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LAW SOCIETY OF UPPER CANADA  
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Proceedings of the  
LAW SOCIETY OF UPPER CANADA.

HILARY TERM, 1905.

Thursday, 9th February.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Chrysler, Lash, Mabee, McKay, McPherson, MacLennan, Robinson, Shepley, Strathy, Walkem, and Watson.

The Treasurer announced that Mr. James Pliny Whitney, one of His Majesty's Counsel, was yesterday sworn in before the Lieutenant-Governor of Ontario as Attorney-General for Ontario. The matter was referred to the Committee on Journals for Report upon the right of the Honourable James Pliny Whitney as Attorney-General for Ontario to be ex-officio a Bencher of the Law Society, R.S.O. 1897, chapter 172, section 4.

Mr. Bruce from the Committee on Journals presented the following report:—

To the Benchers in Convocation:

The Committee on Journals and Printing beg to report that James Pliny Whitney has been appointed Attorney-General for the Province of Ontario and has taken the oath of office and has thus become ex-officio a Bencher of the Society. Adopted, and the Secretary was directed to communicate the finding to the Attorney-General accordingly.

Ordered, upon a report of the Legal Education Committee, that Mr. J. M. Crerar be called to the Bar and receive his certificate of fitness as a solicitor.

Ordered, upon a report of the County Libraries Committee, that the Lambton Law Association who have transmitted to the Society a petition shewing an additional membership sufficient to entitle them to a further sum by way of initiatory grant, do receive said further sum upon proof to the satisfaction of the Chairman of said Committee of the payment of the additional members' subscriptions.

The following letter from Sir H. E. Taschereau, Chief Justice of Canada, to the Secretary of the Law Society, was read and directed to be placed on the minutes:—

Chief Justice's Chambers, Supreme Court, Ottawa.

January 4th, 1904.

Sir,

I duly received yours of the 23rd ult., with copy of Report of Special Com. on P. C. appeals, for which please accept my thanks.

Par. 5 of said report is based on a total misconception of my views on the subject. I cannot find in my memo. a single passage purporting to propose that for appeals from the Supreme Court of Canada to the P. C. leave should be obtained in the Supreme Court. Surely I was not read as proposing that *Provincial* legislatures should legislate on *such* appeals. Then as to appeals from the Court of Appeal to the P. C., section 2 of the proposed Act gives the law as it is in Quebec and other Provinces, and I certainly think that the Ontario practice is the best. In appeals as of right, no leave should be asked to the Court appealed from.

I have, etc., etc.

Yours truly,

(Sgd.) H. E. TASCHEREAU,

C. J.

H. MACBETH, Esq.,

Secr. L.S.U.C.

On motion of Mr. Walkem, ordered that the above letter be referred to the Special Committee to whose report it relates, for consideration, with power to reply or deal therewith as the Committee may think proper.

Ordered, upon the report of the Discipline Committee in further reference to the complaint of Robert Carpenter against Mr. A. B. (adjudicated upon in Trinity Term, 1904) that the promissory note which the gentleman complained of had sent to the Law Society in connection with the charge made against him, and from which the Society had exonerated him, be returned to him. That in the matter of the complaint made by the widow of Robert Moore against Mr. C. D., the complainant be informed

that the said complaint is not one which the Society investigates and that redress must be sought for in the Courts.

Mr. J. M. Crerar was then introduced and called to the Bar.

Ordered that Mr. Walkem's letter of the 30th January to the Secretary upon the subject of the distribution of the Rules of Court as promulgated be reported upon by the Committee on Reporting.

Mr. Watson from the Finance Committee presented the annual statement of receipts and expenditure for the year 1904, which was ordered to be printed and distributed to the profession.

The annual statement was accompanied by the following report of the Finance Committee:

In presenting the financial statement for the year 1904, the Finance Committee begs to call the attention of Convocation to the circumstance that, apart from the extraordinary expenditure incident to the publication of the Consolidated Digest, the final payment therefor having been made during the year, the ordinary expenditure for the year has been quite in excess of the ordinary revenue.

The estimates for the year 1905 indicate a further increase of expenditure over receipts for that year.

Your Committee has had due regard to the various items of expenditure and to the financial position of the Society, and deems it of great importance that the ordinary revenue and expenditure should if possible be made, at least, to balance.

Your Committee commends to Convocation the consideration of the amount of the annual Law School Tuition fees and the amount of expenditure in the publication of the Law Reports of the Society.

All which is respectfully submitted.

(Sgd.) GEORGE H. WATSON.

Chairman.

It was then ordered that so much of the foregoing report accompanying the annual statement as relates (1) to annual Law School Tuition fees, (2) to amount of the expenditure in the

publication of the law reports of the Society, be referred to the respective Committees on Legal Education and Reporting, and that Convocation requests the said Committees severally to transmit their reports to the Secretary on or before the first day of April next, and Convocation orders that the Secretary do then forthwith print and distribute the same to the members of Convocation, and Convocation directs that the said Reports be considered by Convocation on the first day of meeting in Easter Term next, and that notices to that effect be issued to the members of Convocation.

Mr. Watson from the Finance Committee presented the estimates of receipts and expenditures for the year 1905.

The Report of the Library Committee for the year 1904, was received and ordered to be printed and distributed in the usual course.

Friday, 10th February, 1905.

Present: The Treasurer and Messers. Aylesworth, Guthrie, Mabee, McPherson, and Nesbitt.

Ordered that the Discipline Committee, to which on the 5th February, 1904, certain instructions were given in relation to the question of Retired Judges, be further instructed at the same time to consider and report upon the powers and authority of King's Counsel when sitting as a Judge, differentiating, if need be, in cases of appointment (a) by the Governor-General in Council, and by a Lieutenant-Governor in Council, (b) by the Governor-General in Council, (c) by a Lieutenant-Governor in Council, and how their office is affected by the acceptance of a Judgeship.

Friday, 17th February.

Present: The Treasurer and Messrs. Aylesworth, McPherson, Nesbitt, Riddell, Shepley, Thomson, and Wilson.

The following letter was reported as having been sent by direction of the Special Committee appointed in relation to procedure in Appeals to the Privy Council, to which on the 9th instant, Convocation had referred the letter of the Right Hon. Sir. Elzear Taschereau:—

16th February, 1905.

The Right Honourable Sir Elzear Taschereau,  
Chief Justice of Canada, Ottawa.

Dear Sir:—

The Committee to which was referred the question of revision of the practice in appeals to the Judicial Committee has, upon the instruction of Convocation taken up the subject of your letter of the 4th January, 1905.

It is a matter of extreme regret to all the members of the Committee that the Committee should have fallen into an error in interpreting one of the clauses of your most valuable memorandum. That error arose from a view which was, no doubt, superficial, upon the words in the paragraph near the bottom of the second page—“It is suggested for Canada.” This was erroneously supposed to be intended to suggest the case of appeals from the Supreme Court as well as the case of appeals from the Provincial Courts.

It is a matter of sincere satisfaction to the Committee that its views upon the merits of the motion for leave are found to coincide with your own.

Yours very faithfully,

GEO. F. SHEPLEY,  
Chairman of Committee.

The letter of the Honourable J. P. Whitney, Attorney-General for Ontario, acknowledging receipt of the notification of his enrolment as a Bencher ex-officio was read.

The letter dated 16th instant from Mr. W. E. Foster to the Secretary, wherein Mr. Foster stated that he was about to make an application to the Legislature of Ontario at its next session for an Act to provide for his admission to practice law, was read. Ordered that the Secretary do acknowledge receipt of the communication and request that when the proposed Act is introduced, a copy be furnished to the Secretary.

The attention of Convocation was drawn to the advertisement of Mr. James B. Mackenzie in the Ontario Gazette of the 4th instant, giving notice of an application by Mr. Mackenzie to the Legislature of Ontario at its next session for an Act

authorizing his admission and Call. It was thereupon ordered that the Treasurer, the Chairman of the Legal Education Committee and the Chairman of the Discipline Committee, or a representative from each of the said Committees, be appointed as a Committee to oppose the application.





Proceedings of the  
LAW SOCIETY OF UPPER CANADA.

STATEMENT OF  
RECEIPTS AND EXPENDITURE

OF THE  
LAW SOCIETY

FOR THE YEAR ENDING 31ST OF DECEMBER, 1904.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1903.

RECEIPTS.

1903		1904
	Solicitors' Certificates:	
	Paid after the beginning of the year, but payable the Michaelmas previous . . . . .	\$ 3,300 00
\$4,020 10	Fines Collected . . . . .	432 00
143 00	Fees and fines in arrear prior to the preceding Michaelmas . . . . .	451 00
1338 00	Payable in Michaelmas of the current year.	21,810 00
22,020 00		<u>25,993 00</u>
\$27,521 10		
	Barristers' Annual Fees:	
	Paid after the beginning of the year, but payable the Michaelmas previous . . . . .	440 00
550 00	In arrear prior to the Michaelmas of the preceding year . . . . .	116 00
148 00	Payable in Michaelmas of the current year.	2,878 00
2,900 00		<u>3,434 00</u>
3,598 00	Notice Fees . . . . .	93 00
97 00	Students' Admission Fees . . . . .	2,600 00
2,650 00	Fees on Petitions and Diplomas . . . . .	58 00
71 00		
6,800 00	Law School Tuition Fees . . . . .	6,570 00
2,590 00	Solicitors' Examination Fees . . . . .	2,620 00
	Call Fees under 57 Vict. cap. 44 and other Cases . . . . . \$ 800 00	
300 00	Call Fees in Ordinary Cases . . . . .	<u>4,340 00</u>
4,210 00		
4,510 00		<u>\$ 5,140 00</u>
\$47,837 10	Carried forward . . . . .	\$46,508 00

LAW SOCIETY OF UPPER CANADA.

1903		1904
\$47,837 10	Brought forward.....	\$46,508 00
	County Library Loans returned:—	
30 00	Essex.....	30 00
34 50	Peterboro'.....	
52 50	Leeds.....	52 50
18 00	Grey.....	18 00
32 50	Perth.....	32 50
50 00	Lindsay.....	50 00
	Hastings.....	15 00
	Stormont.....	30 00
217 50		228 00
55 71	Commission on Telegraph Messages.....	58 16
2,530 06	Interest and Dividends.....	2,507 14
7 20	Fines in respect of Students' Lending Library.....	50
175 00	Grant from Ontario Government in aid of Telegraph and Telephone Service.....	175 00
26 00	Subscriptions for Statutes for 1903.....	
600 00	“ “ “ 1904.....	18 00
	“ “ “ 1905.....	686 00
626 00		704 00
270 81	Proceeds of Sale of Law reports received from Assignee of Rowsell & Hutchison.....	
51,719 38	Grand Total.....	\$50,180 80
8,000 00	Received from the publishers of the Consolidated Digest pursuant to contract on sale of manuscript.....	
	<b>EXPENDITURE.</b>	
2,587 28	<b>REPORTS—</b>	
	Printing Reports.....	2,674 36
	Salaries:—	
2,000 00	Editor.....	2,000 00
1,200 00	Reporter, Q. B. D. ....	1,200 00
1,200 00	“ C. P. D. ....	1,200 00
1,200 00	“ Chy. D. ....	1,200 00
1,200 00	“ “.....	1,200 00
1,200 00	“ Court of Appeal.....	1,200 00
1,200 00	“ Practice Cases.....	1,200 00
9,200 00		9,200 00
\$11,787 28		\$11,874 36
	<b>COST OF CONSOLIDATED DIGEST:—</b>	
	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments on account of the compilation.....	
1,875 00	Stationary, Material and Advertising.....	2 85
13 85	Insurance.....	
117 90	Final payment to Editor-in-chief under contract.....	5,000 00
2,006 75		5,002 85
	<b>LAW SCHOOL:—</b>	
	Salaries:—	
5,000 00	Principal.....	5,000 00
6,000 00	Four Lectures at \$1,500 each.....	6,000 00
1,650 00	Salaries of Examiners.....	1,650 00
\$13,794 03	Carried forward.....	12,650 00 \$16,877 21

LAW SOCIETY OF UPPER CANADA.

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1903			1904
\$13,794 03	\$12,650 00	Brought forward .....	\$12,650 00 \$16,877 21
	197 50	Scrutineers at Examinations.....	182 50
	292 35	Printing and Stationery.....	258 16
	728 41	Scholarships and Medals.....	764 86
	949 74	Caretaking, Light, Heating, Furniture and Maintenance.....	990 54
\$14,818 00	_____		_____ \$14,846 06

LIBRARY:—

3,629 14	Books purchased .....	3,462 57
317 75	Binding.....	524 79
98 63	Maintenance including Stationery .....	238 80
		_____
		4,226 16

Salaries:—

1,800 00	Librarian .....	1,800 00
1,000 00	Asst. Librarian.....	1,000 00
	Attendance during even- ings.....	183 75
	182 25	_____
2,982 25	_____	2,983 75
7,027 82	_____	_____ 7,209 91

LAW COSTS:—

100 00	Solicitor's Allowance .....	100 00
402 57	Taxed Costs and Counsel Fees.....	172 38
502 57	_____	_____ 272 38
691 70	TELEGRAPH AND TELEPHONE OFFICE.....	756 36

LIGHT, HEATING, WATER, GROUNDS AND INSURANCE:—

	Payment to Ontario Government for Steam Heating .....	890 00
890 00	Lighting.....	602 28
700 03	Heating .....	134 03
108 39	Water .....	187 54
202 11	Grounds .....	1,158 34
1,094 63	Insurance on all property at Osgoode Hall for three years.....	7 50
1,583 70	Insurance on Books at Bindery .....	7 50
5 00	Rent for Safe Deposit Drawer for Inven- tories .....	8 00
8 00	Workmen's Risks and Insurance on work in Progress .....	_____
87 93	_____	_____ \$ 2,987 69
4,679 79	_____	

ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE.....

2,372 38		431 91
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RENOVATION OF IRON FENCE.....

		432 50
\$43,886 29	Carried forward .....	_____ \$43,814 02

## LAW SOCIETY OF UPPER CANADA.

1903  
\$43,886 29

Expenditure—Brought forward . . . . .

1904  
\$43,814 02

## COUNTY LIBRARIES AID:—

*Annual Grants.*

\$ 180 00	Brant . . . . .	\$ 239 00
71 67	Bruce . . . . .	70 67
545 00	Carleton . . . . .	555 00
170 00	Elgin . . . . .	150 00
166 67	Essex . . . . .	156 67
122 00	Frontenac . . . . .	160 00
103 34	Grey . . . . .	120 00
574 90	Hamilton . . . . .	535 00
110 67	Hastings . . . . .	109 67
221 34	Huron . . . . .	213 34
201 67	Kent . . . . .	145 00
196 67	Leeds . . . . .	188 67
190 00	Lindsay . . . . .	182 50
497 50	Middlesex . . . . .	482 50
55 00	Norfolk . . . . .	45 00
96 67	Ontario . . . . .	53 85
	Oxford (for four years) . . . . .	346 25
113 34	Perth . . . . .	123 33
168 00	Peterborough . . . . .	163 00
105 00	Rainy River . . . . .	
114 67	Simcoe . . . . .	118 67
85 00	Stormont . . . . .	113 33
	Waterloo . . . . .	140 00
55 10	Welland . . . . .	39 50
195 00	Wellington . . . . .	185 00
800 00	York . . . . .	800 00
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5,139 21		5,435 95
200 00	Payment to Inspector for 1903 . . . . .	
	“ “ “ 1904 . . . . .	200 00
	LOANS:—	
	Oxford . . . . .	335 00
300 00	Stormont . . . . .	
	INITIATORY GRANT—Lambton . . . . .	440 00
5,639 21		<hr/>
		\$ 6,410 95
	SECRETARIAT AND CARETAKING:—	
1,500 00	Secretary's Salary . . . . .	1,500 00
100 00	Auditor's Fee . . . . .	100 00
660 00	Caretaker's Wages . . . . .	660 00
172 56	General Expenses and Housecleaning . . . . .	118 07
2,432 56		<hr/>
		2,378 07
178 95	PRINTING, ADVERTISING AND STATIONERY.	216 55
	Printing and distribution of the Rules of Law Society . . . . .	
324 29		<hr/>
<hr/>	Carried forward . . . . .	<hr/>
\$52,461 30		\$52,819 59

## LAW SOCIETY OF UPPER CANADA.

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1903		1904
\$52,461 30	Expenditure—Brought forward .....	\$52,819 59
	SUPREME COURT REPORTS :—	
	Subscription to Vol. 33, as per contract with the Government .....	
1,925 50	Subscription to Vol. 34, as per contract with the Government.....	1,997 50
	STATUTES :—	
	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society.....	599 97
754 75	COMMITTEE ON UNLICENSED CONVEYANCERS.....	14 90
	MISCELLANEOUS :—	
		1904
400 00	Portraits.....	100 00
338 00	Term Lunches .....	357 05
250 00	Grant to Widow of the late Secretary....	250 00
83 56	Postage .....	91 53
10 87	Telegrams.....	2 66
3 00	Rent of Box in Safe Deposit Vaults.....	3 00
16 75	Ice for the year.....	18 00
87	Miscellaneous.....	5 00
10 71	Express and Freight Charges .....	2 79
10 00	Grant in aid of Circuit Guide.....	10 00
1,123 76		840 03
<u>\$56,265 31</u>		<u>\$56,271 99</u>

Audited and found correct.

W. H. CROSS, *Auditor*.

TORONTO, 9th January, 1905.







Proceedings of the  
LAW SOCIETY OF UPPER CANADA.

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Law Society of Upper Canada.

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*To the Benchers in Convocation assembled.*

The Library Committee beg leave to report as follows:—

Your Committee submit herewith the Librarian's report for the year 1904, and recommend that the said report be printed and distributed with the next number of the current reports.

A. B. AYLESWORTH,

*Chairman.*

February 9th, 1905.

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## THE LIBRARY, OSGOODE HALL,

TORONTO, JANUARY, 28th, 1905.

*To the Chairman and Members of the Library**Committee of the Law Society of Upper Canada.*

The Librarian begs to submit his Report for the year 1904, as follows:—

The total expenditure in connection with the Library during the year was \$7,209.91 disbursed as follows:—

Books and Periodicals,	-	\$3,462.57
Binding,	-	331.00
Re-binding, Repairs, etc.,	-	193.79
Stationery and Sundries,	-	238.80
Salaries,	-	2,983.75
		<hr/>
		\$7,209.91

A detailed statement of the expenditure for books and periodicals accompanies this report; also an estimate of the expenditure for the current year.

The number of bound volumes added to the Library during the year was 1,070, of which 729 were purchased, 242 were taken in as periodicals and subsequently bound, and 99 were presented. A classified list of the accessions and a list of the volumes presented will be found appended to this Report. The bound volumes in the Library now number 34,872.

The evening attendance in the Library shows a remarkable decrease from that of the previous year. The Library was open on 244 evenings, and the attendance was as follows:—

	Total.	Average.
Barristers,	949	3.88
Students,	1,037	4.25
	<hr/>	<hr/>
	1,984	8.13

In 1903 the total attendance for 241 evenings was 2,614, made up of 989 barristers and 1,625 students. In 1894 the attendance for 227 evenings was 1,634 barristers and 2,436 students, a total of 4,070.

All of which is respectfully submitted.

W. GEO. EAKINS,

*Librarian.*

## EXPENDITURE, 1904.

Books, periodicals, etc. :—		
Books and Pamphlets . . . . .	\$2,778	56
Periodicals . . . . .	573	02
Stamping . . . . .	32	75
Freight, brokerage, etc. . . . .	78	24
		<hr/>
		\$3,462 57
Binding . . . . .		331 00
Re-binding, repairs, etc. . . . .		193 79
Stationery and Sundries . . . . .		238 80
Salaries . . . . .		2,983 75
		<hr/>
		\$7,209 91

## ESTIMATED EXPENDITURE, 1905.

Books, periodicals, etc. :—		
Books and Pamphlets . . . . .	\$4,000	00
Periodicals . . . . .	550	00
Stamping . . . . .	75	00
Freight, brokerage, etc. . . . .	100	00
		<hr/>
		\$4,725 00
Binding . . . . .		350 00
Re-binding, repairs, etc. . . . .		200 00
Stationery and Sundries . . . . .		250 00
Salaries . . . . .		2,975 00
		<hr/>
		\$8,500 00

## ACCESSIONS, 1904.

	VOLS.	COST.
Texts—Canada . . . . .	11	\$ 74 50
United Kingdom . . . . .	66	316 06
Australia . . . . .	1	5 00
United States . . . . .	52	226 83
Reports—Canada . . . . .	58	182 90
United Kingdom . . . . .	95	551 45
Australasia . . . . .	3	54 00
India . . . . .	4	15 00
South Africa . . . . .	3	33 00
United States . . . . .	314	1,024 28
Statutes—Canada . . . . .	66	79 25
United Kingdom . . . . .	8	10 25
Australasia . . . . .	4	44 50
United States . . . . .	32	87 59
Digests and Indexes . . . . .	65	249 79
Parliamentary . . . . .	111	152 44
Miscellaneous (including periodicals) . . . . .	149	654 82
General Literature . . . . .	28	87 02
	<hr/>	<hr/>
	1,070	\$3,848 68

Volumes Purchased.....	729
Volumes Bound for the Library.....	242
Volumes Presented to the Library.....	99
	1,070

PRESENTATIONS.

	VOLS.
Emilius Irving, Esq., K.C.—Arbitration Points.....	5
“ Clarke’s “ Law of Extradition”..	1
Hon. Edward Blake, K.C.—Speeches at Dinner to Mr. Justice Harlan.....	1
Sir Frederick Pollock—Smith’s “ Commonwealth of England... ”	1
“ Expansion of the Common Law.....	1
C. B. Labatt, Esq.—“ Law of Master and Servant”.....	2
Minister of the Interior—Proceedings of Alaska Boundary Tribunal.....	1
Minister of Education—Doc. Hist. of Education in U.C., vol. 11	1
U.S. Commissioner of Education—Annual Report, 1902.....	1
Clerk, Supreme Court, Hawaii—Hawaiian Reports, vol. 14.....	1
Secretary of Hawaii—Laws of Hawaii, 1904.....	1
Indianapolis Public Library—Lynchehaun Extradition Case.....	1
City Clerk, Toronto—Council Minutes, 1903.....	1
“ Consolidated By-laws, 1904.....	2
Toronto University—Examination Papers, 1903.....	1
International Law Association—Report of Conference, 1903.....	1
Registrar of Copyrights, Washington—Copyright in Canada, etc.	1
“ Report on Copyright Legislation	1
New York State Library—Annual Report, 1902.....	2
Toronto Public Library—Catalogue of Books, vol. 3.....	1
Dominion Government—Statutes, Sessional Papers, etc.....	33
Provincial Governments—Statutes, Sessional Papers, etc.....	38
Newfoundland Government—Judicature Act, 1904.....	1
	99







Proceedings of the  
LAW SOCIETY OF UPPER CANADA.

EASTER TERM.

Thursday, May 18th, 1905.

Present: The Treasurer and Messrs. Bayly, Bruce, Glenn, Guthrie, Hoskin, Kerr, Lash, Mabee, McKay, McPherson, Nesbitt, Riddell, Strathy, Thomson and Watson.

On motion of Dr. Hoskin, Mr. Irving was elected Treasurer for the ensuing year.

Dr. Hoskin from the Special Committee appointed on the 17th February, 1905, announced that Messrs. William Edgar Foster and James Bovell Mackenzie had obtained the passing of their Bills to be admitted to practise; that the Committee had attended and had addressed the Private Bills Committee.

The following gentlemen were appointed a Special Committee to strike the Standing Committees for the ensuing year: Messrs. Hoskin, Watson, Strathy and McKay. Dr. Hoskin on behalf of the Special Committee reported a list of members to compose such standing Committees. The report was adopted and the list is as follows:—

*Finance.*—Messrs. A. B. Aylesworth, Walter Barwick, A. Bruce, A. H. Clarke, G. C. Gibbons, John Hoskin, W. D. McPherson, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy, R. T. Walkem, G. H. Watson, W. R. White.

*Legal Education.*—Messrs. Walter Barwick, R. Bayly, J. M. Glenn, D. Guthrie, John Hoskin, Z. A. Lash, G. Lynch-Staunton, W. D. McPherson, W. R. Riddell, C. H. Ritchie, C. Robinson, H. H. Strathy, D. E. Thomson, G. H. Watson.

*Reporting.*—Messrs. Walter Barwick, J. J. Foy, D. Guthrie, W. D. Hogg, Z. A. Lash, G. Lynch-Staunton, S. G. McKay, W. D. McPherson, J. W. Nesbitt, C. H. Ritchie, G. F. Shepley, D. E. Thomson, R. T. Walkem, M. Wilson.

*Discipline.*—Messrs. Walter Barwick, R. Bayly, A. Bruce, J. J. Foy, W. D. Hogg, John Hoskin, W. Kerr, S. G. McKay, W. D. McPherson, C. Robinson, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Library.*—Messrs. A. B. Aylesworth, S. H. Blake, J. M. Glenn, G. Lynch-Staunton, J. P. Mabee, D. B. Maclellan, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, G. H. Watson, M. Wilson.

*Journals and Printing.*—Messrs. A. B. Aylesworth, R. Bayly, A. Bruce, F. H. Chrysler, A. H. Clarke, J. J. Foy, G. C. Gibbons, J. M. Glenn, W. Kerr, J. P. Mabee, D. B. Maclellan, W. R. White.

*County Libraries.*—Messrs. A. Bruce, F. H. Chrysler, G. C. Gibbons, J. M. Glenn, D. Guthrie, W. Kerr, S. G. McKay, J. W. Nesbitt, H. H. Strathy, D. E. Thomson, R. T. Walkem, M. Wilson.

Mr. W. H. Cross was appointed auditor for the current year ending first day of Easter, 1906.

Ordered, upon a report of the Legal Education Committee, that upon the question of admitting Advocates of the Law Society of the North-West Territories (in connection with Mr. C. E. T. Fitzgerald's application), as the North-West Territories are about to be created Provinces, the Rules relating to the Provinces of Canada will apply, and that Convocation does not deem it expedient to make any distinction between the new Provinces and the existing Provinces of the Dominion. That Mr. H. F. Upper be allowed to write at the Supplemental Examination upon certain subjects, upon which he was unable owing to illness to write at Christmas. That Mr. H. W. Page be allowed to resume his attendance on the second year lectures, after Christmas, next session. That Mr. G. G. Albery's service be allowed as sufficient. That Mr. P. G. Price's service be allowed as sufficient. That Mr. P. G. Price and Mr. H. J. Symington, whose periods of service do not expire until after the sittings of Convocation, be allowed to receive their certificates of fitness as solicitors upon completion of said periods of service and production to the Secretary of the proper proofs of the completion of same.

Ordered that the usual advertisement for applicants for the office of Lecturers be published, and that a Special Call of the Bench be issued for Tuesday, the 27th day of June, upon which day the appointments will be made.

The reports of the Discipline Committee, upon the complaints of the Peterson Fruit Company against a firm of solicitors (unnamed), and of Messrs. Flett & Harvey, of Montreal, against Mr. A. B., that in each case the Committee had informed the complainants that these were matters that could be dealt with in a court of law and that no necessity existed for applying to the Benchers, were adopted. The report of the same Committee upon the complaint of Mrs. Bawn against Mr. C. D. that no ground of complaint has been established, was adopted. Ordered, upon the report of the same Committee, that the complaint of Messrs. Farmer & Gould against Mr. E. F. be referred to the said Committee for investigation and report.

Mr. Duncan Donald was appointed Inspector of County Libraries for the ensuing year at a salary of two hundred dollars, including his expenses.

A letter was read from the Registrar of the University of Toronto, dated 16th May, 1905, to the Secretary of the Law Society, containing a copy of a resolution passed by the Senate of the University, 28th April, 1905, appointing a Committee to confer with the authorities of the Law Society of Upper Canada with a view to the establishment of closer relations, together with a memorandum for submission to the Treasurer of the Law Society with a view to discussion further on, and it was ordered that the same be referred to the Legal Education Committee for report.

Mr. McPherson, from the Special Committee appointed in relation to the question of conveyancing by others than solicitors, presented the following report:—

1. Since the last meeting of Convocation, your Committee has had two meetings.

2. After careful consideration and conference with prominent members of the Legislative Assembly it was decided to request Mr. T. H. Lennox, M.P.P. (North York), to re-introduce at the pending session of the Legislature the Bill (No. 145) which was before the Legislature last session with the amendments thereto already reported to Convocation.

3. Mr. T. H. Lennox, M.P.P. (North York), kindly consented to comply with the request of your Committee, and has

introduced the Bill (now known as No. 197), and it has been read a first time, and it is expected will be on for its second reading to-day or to-morrow.

4. Your Committee having interviewed the Attorney-General and other prominent members of the Legislature, and having been advised of similar efforts which have been made by various Law Associations and members of the profession at the request of your Committee, venture to hope that the Bill may be enacted into law.

The report was received.

Friday, May 19th.

Present: The Treasurer and Messrs. Aylesworth, Bruce, Lash, Lynch-Staunton, Mabee, McPherson, Nesbitt, Shepley, Thomson and Wilson.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar: Mr. G. W. Mason (with honours and bronze medal), also Messrs. S. G. Crowell, G. G. Albery, H. S. Lees, C. A. Wright, J. W. McDonald, N. McColl. That the same gentlemen do receive their certificates of fitness.

Mr. Lash presented the following report of the Legal Education Committee upon the reference which had on the 9th February, 1905, been made by Convocation to said Committee upon the question of annual Law School tuition fees:—

The Legal Education Committee beg to submit for the information of Convocation the following information respecting the Law School receipts and expenditure.

The expenditure for the Law School proper consists of the following items:—

Salaries of Staff.  
Maintenance of Building.  
Scrutineers.

In 1904 these items amounted to.....	\$12,173 04
The receipts from law students attending the School were for 1904.....	6,570 00

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\$5,603 04

This does not include any amount for interest on capital expenditure on the Law School building.

The fees charged are \$50 per student.

The cost of the examination, including printing and stationery, scholarships, medals and salaries of the examiners for the year 1904, is \$2,673.02. Probably a portion of these charges should be charged as occasioned by the Law School, although if there were no Law School, examinations would have to be held, though probably not so many.

The number of students attending the Law School in 1904 was 126.

The only way in which the income of the Law School could be increased would be by increasing the fees payable by the students. The following are the fees paid at the following schools:—

Dalhousie. . . . .	\$ 40 00	per annum.
McGill. . . . .	50 00	“ “
Yale. . . . .	150 00	“ “
Harvard. . . . .	150 00	“ “

The fees charged at Yale and Harvard are probably the highest charged anywhere in the United States. If an additional \$10 were charged at our Law School the income of 1904 and 1905 would be increased by about \$3,150. The deficiency between the receipts and expenses as above is \$5,603.04. Or if the cost of the examinations be added it would be \$8,276.06.

Appended is a memorandum shewing the numbers of the students attending the Law School from 1900 to 1904, inclusive, and shewing the receipts and expenditure from 1900 to 1904, inclusive.

STATEMENT OF LAW SCHOOL RECEIPTS AND EXPENDITURE  
FOR FIVE YEARS.

RECEIPTS.

Sessional Fees.	1900. . . . .	\$5,240	(Fees were \$40 per year.)
“	“ 1901. . . . .	7,280	“ “ 50 “ “
“	“ 1902. . . . .	6,910	“ “ 50 “ “
“	“ 1903. . . . .	6,800	“ “ 50 “ “
“	“ 1904. . . . .	6,570	“ “ 50 “ “

## EXPENDITURE.

(SCHOOL PROPER).

	1900.	1901.	1902.	1903.	1904.
Salaries of Staff..	\$11,000.00	\$11,000.00	\$11,052.40	\$11,000.00	\$11,000.00
Maintenance of } Building..... }	756.70	908.21	817.94	949.74	990.54
Scrutineers. ....	217.30	185.00	182.50	197.50	182.50
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	\$11,974.00	\$12,093.21	\$12,052.84	\$12,147.24	\$12,173.04

(EXAMINATIONS).

Printing and } Stationery... }	\$283.50	\$280.60	\$343.85	\$292.35	\$258.16
Scholarships & } Medals..... }	819.78	766.23	766.85	728.41	764.86
Salaries of } Examiners... }	1,500.00	1,650.00	1,650.00	1,650.00	1,650.00
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	\$14,577.28	\$14,790.04	\$14,813.57	\$14,818.00	\$14,846.06

The charge for scrutineers appears to be properly chargeable against the School.

Of the printing and stationery the greater part is incurred in respect of the examinations. Only a small amount (for printing Moot Court cases) can be traced to the School.

Numbers of students in each class during same years, also numbers at present.

## STATEMENT OF NUMBER OF STUDENTS ATTENDING IN LAW SCHOOL.

Registered in 1900.

1st year .....	38
2nd year .....	51
3rd year .....	42
	<hr/>
	131

Registered in 1901.

1st year .....	48
2nd year .....	42
3rd year .....	55
	<hr/>

## Registered in 1902.

1st year	47
2nd year	49
3rd year	41

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 137

## Registered in 1903.

1st year	45
2nd year	48
3rd year	43

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 136

## Registered in 1904 and remaining to present time.

1st year	43
2nd year (40 registered)	38
3rd year	45

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The report was read and received.

Mr. Lash then read and laid before Convocation the report of the Principal of the Law School, being, in part, as follows:—

Dear Sir,—

I beg to report as follows in regard to the Law School for the Session of 1904-05.

1. The number of students registered in the respective years were as follows:—

1st year	45
2nd year	41
3rd year	45

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 131

2. One of the students in the first year was a special student; one in the second year was also a special student from the North-West Territories who had taken his first year in the School, and withdrew during the term; one of the other students also withdrew to accept a position in the North-West Territories; one of the students in the second year only attended a limited time for the purpose of taking lectures and examinations which he had missed. The second year at the close of the term numbered 38.

3. I transmit herewith Schedules A. and B. containing the list of the students who have attended during the term.

4. The total number of regular lectures delivered during the year was as follows:—

The Principal .....	232
Mr. Armour, K.C. ....	95
Mr. Marsh, K.C. ....	101
Mr. King, K.C. ....	107
Mr. McGregor Young, M.A. ....	104

Total.....639

5. In addition, special lectures were delivered as shown in the annexed schedule. Mr. Shepley, K.C., and Mr. Rowell, K.C., were unfortunately prevented from delivering their lectures.

Those lectures which were delivered were very greatly appreciated by the students.

#### SCHEDULE OF SPECIAL LECTURES.

##### Morning Lectures 9.00 a.m.

- Jan. 13th. The Law of Costs.—W. E. Middleton, Esq.  
 Jan. 20th. The Law of Costs.—W. E. Middleton, Esq.  
 Jan. 27th. Interlocutory Applications.—John H. Moss, Esq.  
 Feb. 3rd. Preparation for Trial.—N. W. Rowell, Esq., K.C.  
 Feb. 10th. Certiorari and Prohibition.—W. H. Blake, Esq.,  
 K.C.  
 Feb. 17th. The Joint Stock Companies' Act.—C. A. Masten,  
 Esq.  
 Feb. 24th. The Joint Stock Companies' Act.—C. A. Masten,  
 Esq.

Attendance at these Lectures is voluntary.

##### Afternoon Lectures 4.30 p.m.

- Jan. 13th. Legal Ethics.—The Hon. Sir John A. Boyd,  
 K.C.M.G., Chancellor of Ontario.  
 Jan. 20th. The Municipal Act.—The Hon. Charles Moss, LL.D.,  
 Chief Justice of Ontario.  
 Jan. 27th. The Lawyer as a Man of Business.—Walter Bar-  
 wick, Esq., K.C.  
 Feb. 3rd. The Municipal Act.—The Hon. Sir W. R. Meredith,  
 LL.D., Chief Justice of the Common Pleas.

- Feb. 10th. The Municipal Act.—The Hon. Sir W. R. Meredith, LL.D., Chief Justice of the Common Pleas.
- Feb. 17th. The Municipal Act.—The Hon. Sir W. R. Meredith, LL.D., Chief Justice of the Common Pleas.
- Feb. 24th. The Course of a Trial at Nisi Prius.—The Hon. A. B. Aylesworth, K.C.
- March 3rd. Procedure Under Winding-up Acts.—His Honour Judge Hodgins, Judge of the Admiralty Court.
- March 10th. The Municipal Act.—Geo. F. Shepley, Esq., K.C.

Attendance at these Lectures is obligatory.

7. The discipline and attention have been uniformly satisfactory.

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Mr. Lash announced that Mr. William Edgar Foster had produced a copy of the Act of the Legislature of the Province of Ontario 5 Edward VII., assented to on the 12th day of May, 1905, duly certified by the Clerk of the Legislative Assembly, authorizing the Law Society of Upper Canada to admit Mr. Foster to practise at the Bar and as a Solicitor of the Supreme Court of Judicature for Ontario on his paying the proper fees in that behalf, and on passing such examination as may be prescribed by the said Society, and that the Secretary had reported that the fees had been paid.

Ordered thereupon, that Mr. Nesbitt and Mr. Lynch-Staunton be a Special Committee to examine Mr. Foster and report upon his qualifications both for call to the Bar and for admission as solicitor.

The following gentlemen were then called to the Bar:—

Messrs. Gershom William Mason, Samuel Goodman Crowell, George Greenfield Albery, Herbert Stace Lees, Charles Adalbert Wright, John Walter McDonald; and Mr. Mason was called with honours, and presented with the bronze medal.

The Special Committee appointed to examine Mr. W. E. Foster reported that they had examined him as to his qualifications and found him qualified to be called to the Bar and receive his certificate of fitness as a solicitor. Ordered accordingly.

Mr. William Edgar Foster was then called to the Bar.

Friday, 2nd June.

Present, the Treasurer and Messrs. Barwick, Clarke, Hogg, Hoskin, Latchford, Mabee, McPherson, Nesbitt, Riddell, Robinson, Shepley and Thomson.

The Treasurer announced that he had received a formal notice of the appointment on the 30th ultimo, of the Honourable James Joseph Foy, as Attorney-General for Ontario, in the room of the Honourable James Pliny Whitney, resigned, with a copy of the Letters Patent under the Great Seal of Ontario and now produced, making such appointment. Ordered that same be transmitted to the Committee on Journals and Printing for report upon the right of the Honourable James Joseph Foy to be ex-officio a Bencher of the Law Society pursuant to R.S.O. 1897, chapter 172, section 4.

Mr. Barwick announced that Mr. James Bovell Mackenzie had produced a copy of the Act of the Legislature of the Province of Ontario 5 Edward VII., assented to on the 25th day of May, 1905, duly certified by the Clerk of the Legislative Assembly, authorizing the Law Society of Upper Canada to admit Mr. Mackenzie to practise at the Bar and as a Solicitor of the Supreme Court of Judicature for Ontario on his paying the proper fees in that behalf, and on passing such examination as may be prescribed by the Society; and that the Secretary had reported that such fees had been paid.

Ordered thereupon, that Mr. Clarke and Mr. Nesbitt be a Special Committee to examine Mr. Mackenzie and report upon his qualifications both for Call to the Bar and for admission to practise as a solicitor.

Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar and do receive their certificates of fitness as solicitors:—Messrs. T. J. Agar (with Honours), R. D. Stratton (with Honours), F. H. Honeywell, T. N. Phelan, J. R. Bell, J. A. Ogilvie, N. Y. Poucher; that the following gentlemen be called:—Messrs. Hodgson (with Honours), and H. J. Symington. That the petition of Mr. H. J. Symington in reference to issuing his certificate of fitness as solicitor after Convocation rises be granted. That Mr. G. S. Hodgson do receive his certificate of fitness as

solicitor upon expiration of his term of service after Convocation rises and producing to the Secretary proper proofs of the completion of same. That the service of Mr. E. F. G. Gibson be allowed as sufficient.

The Special Committee appointed to examine Mr. J. B. Mackenzie reported that they had examined him as to his qualifications and found him qualified to be called to the Bar and receive his certificate of fitness as solicitor. Ordered accordingly.

The petition of Mr. Ashman Bridgman was read, with the letter accompanying same dated 18th May, 1905. Ordered that the Secretary do reply to Mr. Bridgman, informing him of his misapprehension, and stating that the fee must be paid, and that he must be present in person to be presented to the Court and sworn in as a barrister.

Mr. Mabee, on behalf of the Committee on Journals and Printing reported as follows:—The Committee on Journals and Printing report that the Honourable James Joseph Foy has been appointed Attorney-General for Ontario by virtue of Letters Patent issued on 30th May, 1905, under the Great Seal of Ontario, and that Mr. Foy did thereby become a Bencher ex-officio of the Law Society pursuant to R.S.O. 1897, chapter 172, section 4. The report was adopted and the Secretary was directed to inform the Attorney-General of the action of Convocation.

Mr. McPherson from the Reporting Committee reported in relation to the contract for the printing of the law reports. Ordered, upon motion of Mr. Shepley, that the Reporting Committee be authorized to make arrangements with the publishers to extend the contract for publication to the completion of the present volume; and that the Committee consider the question of renewing the contract expiring on the 14th instant for a further term of years or of making other arrangements for the publication of the reports, and report to Convocation at the half-yearly meeting on the 27th June.

The following gentlemen were then introduced and called to the Bar:—Messrs. Gregory Sanderson Hodgson, Thomas Joseph Agar, Ralph Dunn Stratton (all with Honours), also Messrs. Frederick Henry Honeywell, Thomas Nicholas Phelan, John Ridgely Bell, John Alexander Ogilvie, Norman Young Poucher, Nicol McColl and James Bovell Mackenzie.

Tuesday, 27th June, 1905.

Present the Treasurer, the Attorney-General, Hon. J. J. Foy, and Messrs. Bayly, Bruce, Gibbons, Guthrie, Lash, McPherson, Ritchie, Robinson, and Strathy.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar and receive their certificates of fitness:—Messrs. C. H. Maclaren, G. F. McFarland, A. R. Cochrane and E. F. G. Gibson. That Mr. P. G. Price be called to the Bar with Honours. That Messrs. M. Lockhart Gordon and A. L. Bitzer who had been admitted as of the matriculant class of students at law and had obtained the degree of B.A. at the recent university examinations be transferred on the books of the Society to the graduate class. That the following gentlemen be allowed their first year examinations:—A. G. Ross, I. S. Fairty, A. Foulds, M. B. Peacock, W. H. Gregory, H. N. Baker, F. D. Byers, D. Forrester, E. A. Wright, G. D. Kelly (all with Honours), also W. F. MacRae, P. J. Montagu, S. P. Grosch, J. G. Gibson, A. D. Wilson, C. C. Robinson, E. V. O'Sullivan, A. E. Lyon, J. J. W. Simpson, A. A. Fraser, H. Ferguson, G. A. Watson, H. W. Shapley, T. B. McQuesten, H. A. Chadwick, A. Clark, Miss G. Robinson, H. D. McCormick, M. F. Pumaville, E. W. Kearney, E. E. Gallagher, M. Dingwall, E. Miall, G. J. Valin, G. A. Schaef, H. C. Moore, A. Graham, W. C. Greig, S. Watson, A. W. Bixel, A. F. Bowlby, W. E. Lear.

That Mr. Ross do receive a scholarship of one hundred dollars, Mr. Fairty one of sixty dollars, and Messrs. Foulds, Peacock, Gregory, Baker and Byers each one of forty dollars.

That the following gentlemen be allowed their second year examination:—A. Cohen, W. M. Brandon, T. S. McMorran, J. A. McEvoy, T. E. Wilson, G. H. Sedgwick, H. L. Hoyles, G. A. Walker, A. I. Fisher, W. W. Livingston, G. Mitchell (all with Honours), also J. L. Schelter, E. Goodwill, A. Belanger, P. S. Shillington, G. H. Gray, H. F. Upper, W. H. McGuire, N. R. Webb, and J. M. Telford (equal), J. H. Botsford, C. M. Colquhoun, J. P. MacGregor, E. R. Read, J. W. Mitchell, and A. E. Honeywell (equal), H. S. Pritchard, G. N. Gordon, W. N. Graham, C. L. Bray, J. C. Moore, J. S. Davis, O. D. Peat, A. H. Britton, J. A. Kinney, R. G. Agnew, R. A. L. Briggs.

That Mr. Cohen do receive a scholarship of one hundred dollars, Mr. Brandon one of sixty dollars, and Messrs. McMorreran, McEvoy, Wilson, Sedgwick and Hoyles each one of forty dollars.

Mr. Ritchie from the Reporting Committee reported as follows:—That pursuant to resolution of Convocation passed on the 2nd instant, an arrangement was entered into on the 6th instant with the Canada Law Book Company under which the Company agrees that the provisions of the contract dated 14th June, 1900 (as amended), shall extend to the publication of the Ontario Law Reports to the completion of the current volume. The Committee suggest that they be authorized to extend said arrangement so as to cover the printing and publishing of said Ontario Law Reports by said Company until such time as Convocation shall have decided as to the question now pending relating to the reduction of the cost of reporting and of issuing the law reports. The report was adopted.

Ordered, on motion of Mr. Ritchie, that the question of issuing a Digest of Ontario Case Law, 1901 to 1905 inclusive, be referred to the Reporting Committee for consideration and report.

Messrs. E. Douglas Armour, A. H. Marsh, John King, and McGregor Young were appointed lecturers in the Law School.

Mr. McPherson gave notice:—That, in view of the investigation being made by the Reporting Committee under instructions from Convocation, as to reduction in cost and improvements (if any) which can be suggested in the methods of reporting at present in vogue, he would move at the next meeting of Convocation that the time for appointing an Editor and Reporters under Rule 42 (c) should be extended until after the report of the Reporting Committee shall have been made and dealt with by Convocation, and that Rule 41 be amended by inserting in the fourth line the words "by Convocation" immediately after the word "appointment" in the third line, and that Rule 42 s.s. (c) be amended by adding at the end thereof the words "The Reporting Committee is hereby empowered to make a temporary appointment of an Editor and Reporters from the last day of Michaelmas, 1905, until Convocation makes a formal appointment."

Mr. Lash was elected as representative of the Law Society on the Senate of the University of Toronto for the ensuing year.

The following gentlemen were then introduced and called to the Bar:—Messrs. Percy Gardiner Price (with Honours), Charles Henry Maclaren, George Franklin McFarland, Alexander Robertson Cochrane and Edmund Francis Gordon Gibson.

Convocation then rose.





## LAW SOCIETY OF UPPER CANADA.

TRINITY TERM, 1905.

September 14th. Thursday.

Present, the Treasurer and Messrs. Bayly, Bruce, Glenn, Guthrie, Hoskin, Kerr, McKay, McPherson, Riddell, Strathy, Thomson and White.

The reports of the Discipline Committee upon the complaints of Mr. John W. Jones against Mr. A. B., of Mr. Charles Demerling, also against Mr. A. B., and of Mr. Robert Lawson against Mr. C. D., that in each case the Committee had informed the complainant that these were matters in which he had his remedy, if any, by recourse to the Courts, were adopted. Ordered also upon a report of the same Committee that the complaint of Mrs. Sarah Ferguson against certain solicitors and others be allowed to stand. That the complaint of Messrs. Farmer & Gould against Mr. E. F. (reported in the proceedings of Easter Term last) should so far as the said firm is concerned be dropped and be proceeded with *de novo* in the name of Mr. Logan McCann. That the said complaint of Mr. Logan McCann against Mr. E. F. be investigated in the usual way. That the complaint of Mr. A. R. Hanscome against Mr. G. H. be investigated in the usual way.

Ordered, that the report of the Discipline Committee, dated 16th June last, and presented this day, upon the questions in connection with the status of Retired Judges and of Dominion and Ontario King's Counsel, be taken into consideration on Friday, the 22nd day of September, 1905.

It was moved by Mr. McPherson, in pursuance of notice given last term, that in view of the investigation being made by the Reporting Committee under instructions from Convocation as to reduction in cost and improvements (if any) which can be suggested in the methods of reporting at present in vogue, the time for appointing an Editor and Reporters under Rule 42 (c) be extended until after the report of the Reporting Committee shall have been made and dealt with by Convocation and that Rule 41 be amended by inserting in the fourth line the words "by Convocation" immediately after the word "appointment" in the third line, and that

Rule 42 (c) be amended by adding at the end thereof the words "The Reporting Committee is hereby empowered to make a temporary appointment of an Editor and Reporters from the last day of Michaelmas, 1905, until Convocation makes a formal appointment." Carried, and leave was given Mr. McPherson to introduce a Rule to amend Rules 41 and 42 as above. The proposed Rule was read a first and a second time, and by unanimous consent was read a third time and passed.

Mr. Bruce, from the Committee on Journals, reported as follows in relation to the Honourable Thomas Robertson:—

His death occurred at his residence in the City of Hamilton on the 6th of September, 1905.

He was called to the Bar in Hilary Term, 1852, and was appointed one of Her Majesty's Counsel by Letters Patent under the Great Seal of Canada on 18th December, 1872, and by Letters Patent under the Great Seal of Ontario on the 11th March, 1876.

He held the office of County Crown Attorney for the County of Wentworth from 6th April, 1858, to 1st August, 1862. See *Robertson v. Freeman*, 22 U.C.R. 298.

He was elected a member of Convocation in Trinity Term, 1874. He was elected at the general election of Benchers held before Easter, 1876, and re-elected at the general elections held before Easter, 1881, and Easter, 1886.

He remained a Bencher until his appointment on the 11th day of February, 1887, as a Judge of the Supreme Court of Judicature and a Justice of the High Court of Justice, Chancery Division, and held such appointment until his resignation on the 18th day of April, 1904.

After report by the Standing Committee on Journals, Convocation, on 3rd June, 1904, found that he was entitled to take his seat as a Bencher ex-officio.

At the general election for the House of Commons in 1867 Mr. Robertson unsuccessfully contested the constituency of South Wentworth.

At the general election for the House of Commons in 1878 he was elected member for the City of Hamilton, and re-elected at the general election for the same constituency in 1882.

The following letter from Mr. Walkem was read:—

7th August, 1905.

DEAR SIR,—

Some time ago I stated to the Benchers that I had an old deed which had been witnessed by the late Sir John Macdonald and Sir Oliver Mowat and that I would present it to the Law Society as being an exceedingly interesting document. The Treasurer said that they would be very glad to receive it, and to so deal with it that it should be preserved for future reference. I think it should be framed and hung up. I see that the deed is dated in 1837. It conveys a lot on Barrack Street in the City of Kingston. Part of it has unfortunately been lost. The manuscript is entirely in Sir John Macdonald's handwriting. Please acknowledge receipt of this paper.

Yours faithfully,

(Sgd.) RICHARD T. WALKEM.

H. MACBETH, ESQ.,

Secretary.

Convocation ordered that the said fragment be carefully fyled with other documents of interest to the profession.

September 15th. Friday.

Present, the Treasurer and Messrs. Bruce, Riddell, Shepley, Strathy, White and Wilson.

Ordered, upon a report of the Legal Education Committee, that Mr. T. K. Allan (who passed his examination in Trinity, 1894) be called to the Bar. That Mr. J. F. H. McCarthy do receive his certificate of fitness upon proof of completion of his service, which does not expire until after the last sitting of Convocation this Term. That the service of Mr. G. B. O'Connor be allowed as sufficient. That the notice for Call given by Mr. F. V. Johns do remain posted until the 22nd inst. and that he be then called if no objection be made. That the following gentlemen be called to the Bar and do receive their certificates of fitness as solicitors:—Messrs. G. B. O'Connor (with honours and silver medal), J. A. Soule (with honours), G. S. Gibbons, M. A. Macdonald, H. S. White, R. L. Braekin, A. A. Magee, A. D. Armour, T. H. Wilson, G. H. Cassels, H. P. Blackwood, E. W. Mackenzie.

An advertisement for applicants to fill the office of Examiner

in the Law School, to fill a vacancy occurring 20th November, was ordered to be inserted in the newspapers as usual; and it was ordered that a Special Call of the Bench be made for Thursday the 23rd day of November, 1905, for the purpose of appointing an Examiner, under Rule 39.

Mr. Strathy, from the County Libraries Committee presented the Report of the Inspector for the year 1905 as follows:

To the Treasurer and Benchers,

The Law Society of Upper Canada.

GENTLEMEN,—

In accordance with your resolution and the rules of the Society, I have during the past year, inspected the law libraries, other than that at Rat Portage, and beg to submit this my report.

I find that the officers of the Association are anxious to make the libraries all that they should be, and to carry out any suggestions that I may have to make in connection with them, but owing to the difficulty of moving the County Councils, it takes time to bring about any suggested improvement, in the way of better accommodation and caretaking.

I do not make any special reference to any Association, as all appear to be doing their best to carry out the idea of their organization. I, therefore, just mention things which have impressed me during my inspection, and ideas which are adopted in some libraries with advantage, and which might be followed in others.

1. It should be borne in mind by the Associations and their officers, that these libraries are established for all time to come, and that anything that is done should be well done, and in a permanent manner. The records of the Associations, including their minutes and accounts, should be kept in a well-bound book, to last for all time, so that they would really be a history of the Association from the beginning.

2. Each Association should keep in a well-bound book, a record of the books received as they are received. This book should contain the name, the date, the author, the edition, the publisher and price, and any other particulars which would be of advantage to keep, such as the serial number, where the books are so numbered.

3. A catalogue in permanent form, so constructed that the

additions to the library can be entered, should be kept. This catalogue could be easily written up from the daily record, and would serve for all purposes, and particularly for new officers to ascertain for what they are responsible, when taking over the library. In case of fire also, it would be useful in enabling the Association to make out their claim properly.

4. Books should not be permitted to be taken from the library unless it is absolutely necessary, but where it is permitted, all means should be taken to see that they are promptly returned. Each Association allowing this, should have right at the entrance door, a desk on which should be kept a register in which borrowers should enter the name of the book borrowed, together with their signature, and over this desk should be a prominent notice requiring the registration, and also giving the rule with reference to the return of books. In many cases this register is a loose bound book, and as it receives rough handling, it soon becomes unusable, and in very few cases is it placed for convenient use. A good idea in use in one library, is to have pasted in the front cover of the book, a notice containing the rules of the Association with reference to borrowed books.

5. While the arrangement of the books in many of the libraries may be suited to the members of the Association who are acquainted with the books in the library, it should be remembered that these libraries are for the use of the judges and the outside profession as well, and that a good arrangement of the books is just as easily maintained, as a poor one. The arrangement should be made so as to leave ample room for the yearly additions to the reports and journals, much labour would thus be saved those in charge.

6. Many of the Associations have arranged with a librarian of a more or less permanent nature, and the result obtained has been highly gratifying. There is usually some one who has sufficient time to give this the necessary amount of care, and if the library is once put in good shape, it requires very little attention each day, and it is a simple matter then to instruct such a person how to annotate the reports and statutes, and thus make the library of great value and absolutely necessary to practitioners. Printed annotations, gummed, ready to be fixed in their proper place, for both reports and statutes, can now be obtained from

the law book seliers, and it is a comparatively simple matter to continue the annotations subsequent to this, by hand. Some of the Associations do not understand or have forgotten that the Law Society will pay two thirds of the salary paid, provided it is reasonable.

7. The Associations should also bear in mind that the County Council is under sec. 506, 3 Ed. VII. ch. 19, bound to provide all necessary and proper accommodation, light, stationery and furniture for the Association, and is also bound to provide the proper and necessary caretaking thereof. This should be impressed on the Councils, and it should be pointed out to them that the library is used a great deal by the judges and the visiting profession, and that pleasant surroundings are inducive to use, and that in thus making the libraries attractive and comfortable, they are helping themselves and their constituents very materially.

8. In providing bookcases, the book stack or case of moderate height, is the best. The shelves should be made just deep enough to take the books and just high enough so that a lap of felt on the face of the shelf, would fall down over the top of the books and so keep out the dust.

9. The judges in many of the counties are active supporters of the Association in its maintenance of the library, and do a great deal to help the Association in its efforts, both by suggesting the best books to purchase, and by seeing that they are well used. Where, however, the judges do not take any interest in the Association or the library, they both suffer through lack of interest on the part of the profession.

10. In talking with many of the profession, it is the opinion that both the Ontario and Canada Gazettes should be available at some convenient place for search, and that the most reasonable place would be the County library. The question then arises as to the cost of binding. In many counties this is done by the County, and the Gazettes are placed in the libraries for the use of all county officials. The Canada Gazette is sent to all libraries, but the Ontario Gazette is not, and it would be advisable that arrangements be made with the King's printer to forward to each of the libraries, a copy of the Ontario Gazette which could be kept on file, and the Association could then make arrangements with the County to have them bound for general use.

11. One cannot help but think that the profession in the smaller places would effect a great saving, if they would combine their efforts in the purchase of law books. It is hardly possible for an individual to purchase the many law books which are now published, and to which they should or would like to have access. The majority of the Associations are so small in numbers, that one would think it would be a matter easily arranged, that they should combine their efforts, and with the aid granted by the Law Society, make one good library, containing all the available books, rather than seeking to maintain many libraries, none of which are complete in any respect. Some of the Associations have taken a step in this direction by increasing their fees, and it is a matter of fact that where fees have been thus increased, the individual purchase of books has greatly diminished, and results in considerable saving to the members of the profession at large.

12. Each Association should have posted on the entrance door, a list of the members entitled to use the library for the year, with a notice that the library is only for the use of those members.

13. There is not very much business to necessitate the calling of the Association together in meeting, and in order that the desires of the members should be met with as far as possible, it is a practice in some of the libraries to have posted up in the library, a notice requesting members to enter the names of the books they wish placed in the library. This has been found very helpful, where in use.

A short report on each library inspected is appended.

All of which is respectfully submitted,

(Sgd.) DUNCAN DONALD.  
*Inspector of Law Libraries.*

TORONTO, 13th September, 1905.

The following gentlemen were then introduced and called to the Bar:—

Messrs. John Alexander Soule (with honours), George Sutton Gibbons, Malcolm A. Macdonald, Harry Spence White, Robert Livingston Brackin, Allan Angus Magee, Archibald Douglas Armour, Thomas Hubert Wilson, George Hamilton Cassels, Henry Price Blackwood, Ernest William Mackenzie.

September 22nd. Friday.

Present the Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Chrysler, Gibbons, Hogg, Hoskin, Lynch-Staunton, Mabee, McPherson, Riddell, Ritchie, Robinson, Shepley, Thomson and Watson.

Ordered upon a report of the Legal Education Committee, that Mr. F. A. J. Day be called to the Bar with honours, and do receive his certificate of fitness. That Mr. F. V. Johns, whose notice for call has remained duly posted, be called to the Bar, and do receive his certificate of fitness. That Mr. J. F. H. McCarthy be called to the Bar.

Dr. Hoskin moved the adoption of the Report of the Discipline Committee of Easter Term, 1905 (16th June), presented to Convocation on Thursday the fourteenth day of September, 1905, and ordered to be considered this day.

Dr. Hoskin read a letter from Mr. Strathy to the Treasurer relating to the Report; it was ordered to be fyled.

After debate, Mr. Bayly moved that the consideration of the Report be deferred until next term, and that a call of the Bench be made for the purpose of dealing therewith.

Lost upon a division.

Mr. Aylesworth then moved that the two paragraphs reading as follows:—

“A barrister upon his elevation to the Bench is withdrawn from the arena of practice, and all that is incident to the position of counsel and the profession. The public look upon the office with esteem, and regard its occupants with feelings of respect, and nothing should be permitted whereby a judge retired under the Statute on pension could have the opportunity to be engaged in professional business, the mere fact tending to lower the dignity of the high office formerly held, and so re-act upon the Bench at the time existing—the resumption of practice has a tendency to impair and lower that dignity which should be upheld, as well off, as on the Bench.”

“Again when a Retired Judge is in receipt of a statutory pension, it appears to the Committee, that resuming practice is an act of injustice to the members of the profession—especially is it so in the case of Judges of the County Court where it may readily be supposed that the prestige, experience, influence and

social position the Judge has acquired in his County, will have weight with the public to his own advantage, and to the corresponding disadvantage of other and younger members of the profession," which in the Report submitted appear in the recommendation upon the first point be transferred therefrom and inserted under the heading "The Retired Judge returning to Practice."

The motion was carried unanimously.

Mr. Aylesworth then moved the amendment of the said two paragraphs by making them applicable to any retired judge, which was carried upon the following division:—

Yeas:—Messrs. Watson, Riddell, Aylesworth, Barwick, McPherson, Thomson and Mabee—Seven.

Nays:—Messrs. Shepley, Hoskin, Robinson, Bruce and Bayly—Five.

The Report as amended was then adopted, Mr. Robinson asking leave, which was granted, not to have his name recorded as having concurred in such adoption.

The report as finally adopted is as follows:—

DISCIPLINE COMMITTEE (EASTER, 1905).

Report to Convocation relating to Retired Judges—Legislation—Dominion and Provincial—King’s Counsel, and of Retired Judges assuming to resume practice.

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King's Counsel if appointed a Judge, ceases to be a King's Counsel . . . . . xxix

The offices are incompatible in one person . . . . .

Authorities Cited—Pulling's Order of the Coif, Sir John Hutchins, 1689—Sir John Mellor, 1880—Ranulphe Crewe, 1626 . . . . . xxx-xxxiii

**Summary of Chief Questions Submitted.**

Recommendations:—

That it be considered whether a Rule of the Society should be passed restricting Barristers to practise, who may be retired Judges. . . . . xxxiii

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## [AS FINALLY ADOPTED BY CONVOCATION.]

## TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA.

The Discipline Committee respectfully report upon the several resolutions of Convocations of 4 December, 1903, 4 February, 1904, 5 February, 1904. and 10 February, 1905, which have been referred to them and which resolutions are as follows:

**1903.**

December 4th. Mr. Shepley moved: That in view of the recent Act respecting the retirement of Judges, the whole subject of the status of retiring Judges with regard to practising be referred to the Discipline Committee, to make an enquiry of a purely domestic nature and to report.

Adopted and ordered accordingly.

**1904.**

February 4th. Dr. Hoskin from the Discipline Committee presented the following report:

The Discipline Committee to whom Convocation referred for consideration the subject of the status of retiring Judges with regard to practising by a resolution passed on the 4th day of December last, beg leave to report as follows:

That they have considered the matter referred to in the said resolution and would respectfully suggest to Convocation that the Committee be more explicitly instructed upon the information or opinion of the Committee which Convocation may desire to be considered and reported upon.

Dr. Walkem moved that the report be referred back to the Committee for fuller consideration, and that the Committee do express their opinion upon the subject referred. Carried.

**1904.**

February 5th. The following instructions were given to the Discipline Committee to meet the report of that Committee presented yesterday (4th February):

Convocation desires the Committee—

1. To examine the recent Statute of the Dominion making provision for the retirement of Judges and any and all statutes

either of the Dominion or of the Province which deal in any way with the retirement of Judges and with their status and possible duties.

2. To make enquiries into any cases which there have been in this Province where Judges have resumed practice after retirement with compensation, furnishing Convocation so far as practicable with a historical resumé of such cases and making such comment upon the cases or any of them as may seem expedient or proper.

3. In the light of such information as may be obtained by the examination of the Statutes and the historical enquiry above suggested, to consider and report upon the expediency of a policy which permits Judges who have retired with either full or partial compensation to resume practice, having regard among other things to its relation to and bearing upon the interests of the Society.

#### 1905.

**February 10th.** Convocation ordered: That the Discipline Committee to which on the 5th February, 1904, certain instructions were given in relation to the question of Retired Judges be further instructed at the same time to consider and report upon the powers and authority of King's Counsel when sitting as a Judge, differentiating if need be, in cases of appointment (a) by the Governor-General-in-Council and by a Lieutenant-Governor-in-Council, (b) by the Governor-General-in-Council, (c) by a Lieutenant-Governor-in-Council, and how their office is affected by the acceptance of a Judgeship.

The Discipline Committee as instructed by Convocation have taken into consideration the matters referred as before set forth, and deem it most convenient to classify the questions thereby raised; under the heads following:

(1) The recent Statute of the Dominion making provision for the retirement of Judges, 3 Edward VII, chapter 29 in amendment of R.S.C. c. 138.

(2) The status of "A Retired Judge" and the legislation by the Dominion and Province bearing on that expression.

(3) The status of King's Counsel and the legislation enabling judicial powers to be exercised by such officer.

(4) The effect of section 96, B.N.A. Act and the exception (if any).

(5) The retired Judge having compensation returning to practise—Ontario cases.

(6) The K.C. appointed a Judge—the incompatibility of retaining the office of K.C. considered.

### **The Recent Act Respecting Retirement of Judges.**

As to the first clause of the said Resolution, Committee report that, by chapter 138 of the Revised Statutes of Canada, section 14, provision is made for the granting of an annuity, under the circumstances therein set forth, to the Judges of the Superior Court of this Province equal to two-thirds of the salary annexed to the office held by such Judge at the time of his resignation, and the following section makes a similar provision in respect of the Judges of the County Court of this Province.

The above Statute was amended by 3 Edward VII, chapter 27, by providing that if the Chief Justice of the King's Bench, or the Chancellor of Ontario, or the Chief Justice of the Common Pleas, or the Chief Justice of the Exchequer Division, should be appointed to the Court of Appeal the Governor-in-Council may direct that he be paid a salary not less than that previously enjoyed by him as such Chief Justice or Chancellor. And by chapter 29, of 3 Edward VII, provision is made in respect to any Judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of any Superior Court of Canada, under the circumstances therein set forth, for the payment to a retiring Judge of an annuity equal to the salary of the office held by him at the time of his resignation. And by section 2 of the same Statute it is provided that a County Court Judge who has attained the age of eighty years shall be compulsorily retired and under certain circumstances as therein set forth provision may be made to a Judge of the County Court for the payment of an annuity equal to the salary of the office held by him at the time of his resignation or retirement.

### **The Status of "Retired Judge" and the Legislation by the Dominion and the Province Bearing on that Expression.**

There is no definition or interpretation in the Statute Law either of Canada or Ontario, applicable to the expression "Retired Judge."

Upon certain conditions of age or infirmity and resignation by a Provincial Judge of his office, His Majesty pursuant to R.S.C. 138, as amended by 3 Edward VII, c. 29, may by Letters Patent under the Great Seal of Canada grant to such Judge an annuity, if of the Superior Courts, or a pension if of a County Court. Such annuity or pension to continue thenceforth during his natural life subject to certain circumstances in the previous paragraph of this report set forth.

The Letters Patent which are issued under the Great Seal of Canada, to such Judge on his resignation recite:

“Whereas A.B. was by our Letters Patent under the Great Seal of Canada bearing date, etc., appointed a Judge of, etc. And whereas the said A.B. *continued* in the said office of Judge of etc., *until the* . . . day of, etc., *when he resigned the said office*, being for a period of . . . years and upwards, and whereas the said A.B. was *at the time of his resignation in receipt* of the annual salary of . . . dollars of lawful money of Canada—Now, therefore, know ye that in consideration of the premises and under and by virtue of the powers vested in us by the Statutes in that behalf we do by these presents give and grant unto the said A.B. from the day of, etc. (date of resignation) and to continue thenceforth during the term of his natural life, and to be payable by monthly instalments, and pro rata for any period less than a year during such continuance an annuity or clear yearly sum of . . . dollars of lawful money of Canada which said annuity or yearly sum shall be payable out of any moneys forming part of the Consolidated Revenue Fund of Canada.”

“In Testimony, etc.”

The patent, it will be noted, does not confer or continue any judicial powers: Such powers are recited to have been resigned and the Letters Patent declare such resignation to have been accepted.

The B.N.A. Act, section 96, enacts “The Governor-General shall appoint the Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.”

Proceeding so far and dealing with the applicability of Legislation, either by the Parliament of Canada or by Provincial Legislatures as limited or affected by section 96 of the B.N.A. Act:—

Can any person, no longer a Judge by reason of having surrendered the judicial office, effectively act as a Judge, or assume to discharge any judicial function, without a new appointment by the Governor-General in pursuance of section 96 of the B.N.A. Act?

And can any person act as a Judge, as aforesaid, by force of any legislation whether of the Dominion or of the Province, not being duly appointed under the said section 96?

The expression “Retired Judge” does not appear in Dominion Legislation in any form, except in respect of a Retired County Court Judge, to which attention will be directed hereafter.

But by the legislation of Ontario, duties are assigned to, and qualification recognized in a functionary under the style of a Retired Judge, which will be considered in the course of this report.

**Section 96 of the B.N.A. Act. No Person can Sit and Exercise the Duty and Function of a Judge Without Grant of Letters Patent Under the Great Seal of Canada.**

*Re Wilson and McGuire*, 2 Ont. 118. 2 Cartwr. 665.  
*Gibson and McDonald*, 7 Ont. 401. 3 Cartwr. 319.

In *Wilson and McGuire*, 1883, which related to the Judge of the County of Lambton sitting in a Division Court in the County of Middlesex under the provisions of the Local Courts Act, valid because the Provincial Legislature has complete jurisdiction over Division Courts, including the appointment of the officer to preside over them.

HAGARTY, C.J. and CAMERON, J.

ARMOUR, J. dissenting:—The Provincial Legislature having no power to appoint County Court Judges.

At page 127—upon the enactment that it shall be the duty of a County Court Judge in any County, other than his own, “upon being required so to do by an Order of the Governor-General made at the request of the Lieutenant-Governor.” Mr.

Justice Armour comments "it is quite unlikely that any Governor-General would ever make any such Order, *nor could he legally do so*, for he would thus be appointing a Judge of the County Court of one County to be the Judge of the County Court of another County by a mere order *when he could only do so by Letters Patent under the Great Seal*, and then only to fill a vacancy."

And the learned Judge adds, "The second branch of the ninth section in effect empowers the Judge of the County Court of any County in Ontario, by mere request, to appoint a Judge of the County Court of any other County to be the Judge of the County Court of the requester's County, and this involves the assumptions of power by the local Legislature, viz., first the power of appointment of County Court Judges, and secondly, the power to delegate that power of appointment to the County Court Judges themselves."

In *Gibson v. McDonald*, 1885, 7 Ontario 401.

Upon the power of the County Judge of the County of Lanark to preside at the sessions in the County of Renfrew, pursuant to R.S.O. c. 42, s. 13.

WILSON, C.J., dubitante.

Held by ARMOUR and O'CONNOR, JJ., the Act to be ultra vires.

In the report by Mr. Cartwright of *Gibson and McDonald*, 2 Cartwr., p. 665, it is noted:—

"It is understood that the Government of Ontario purpose bringing the matter before the Higher Courts at the first opportunity."

This has not yet been done.

It therefore seems, not only by the reasons to be deduced, but by the judgment of the Queen's Bench Division, and from the fact that 20 years have elapsed and no attempt to reverse an important and pregnant decision, that the emphatic language of Mr. Justice Armour is to be accepted.

### Observations.

That the power of the Governor-General to appoint Judges of Provincial Courts is by action of the executive power of the Governor-in-Council and can be exercised under the Great Seal

only and then to fill a vacancy in a judicial office, the creation whereof has been by the exercise of the functions of the Provincial Legislature.

And that no legislation by the Province can provide, authorize or require the nomination of any person or any functionary not appointed under section 96 to exercise judicial duties temporarily or on request in any Provincial Court, whether Superior, District or County.

This position is wholly independent of any of the provisions affecting any questions which may arise under sections 13 and 65 of the B.N.A. Act to which reference will be made hereafter.

And that the Dominion cannot by legislation confer power as provided by hereinbefore cited 54-55 Vict., c. 28, Dom. upon a Retired County Court Judge to perform duty "on being authorized so to do by an order of the Governor-in-Council," unless indeed under the Great Seal an appointment of Judge is made and to fill a vacancy as above stated.

And that R.S.O. c. 54, The Local Courts Act, sec. 17 does not remove the difficulty, whereby "any Retired County Court Judge may hold any Court, or perform any other duty of a County Court Judge in any County on being requested to do so by the Judge to whom the duty for any reason belongs, *or* upon being authorized so to do by an order of the Governor-General made at the request of the Lieutenant-Governor."

(The original Ontario Legislation 40 Vict. c. 8 sec. 13, it will be noted when examined, uses the word "or" as do the subsequent revisions, the word "or" cannot therefore be read as a misprint for "on.")

The Dominion Parliament in 1891, by 54-55 Vict. c. 28, sec. 3, above mentioned, which Act was passed too late to be included in the Code, requires the Retired County "Court Judge" to be authorized "by an order of the Governor-in-Council made at the request of the Lieutenant-Governor of such Province."

It is submitted that so much of the above section 17 and the previous section 16, R.S.O. c. 54, which relate to the Retired Judge being requested to perform the duty belonging to a County Judge, without the order of the Governor-General, are both invalid, and therefore should be repealed.

**The Committee Refer to Certain Sections of the B.N.A. Act,  
Relating to the Foregoing Observations.**

Namely:—

1. Section 92, sub-sec. 14.

The administration of Justice in the Province, including the constitution, maintenance and organization of Provincial Courts both civil and of criminal jurisdiction, and including procedure in civil matters in those Courts.

2. Section 91, sub-sec. 27.

The criminal law, except the constitution of Courts of criminal jurisdiction, but including the procedure in criminal matters.

3. Section 96.

The Governor-General shall appoint the Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

4. Section 99.

The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor-General on address of the Senate and House of Commons.

5 Section 100.

The salaries, allowances and pensions of the Judges of the Superior, District and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

**Pre-confederation Legislation as to Judges and King's Counsel Noticed.**

A question may be asked as to the effect of section 65 of the B.N.A. Act upon the powers still existing and exercisable by the Lieutenant-Governors of Ontario which shall and as far as the same are capable of being exercised after the Union in relation to the Government of Ontario be vested in and exercised by the Lieutenant-Governor of Ontario, and how far any unrepealed Act of

the late Province of Canada (and remaining as a re-enactment only by Ontario Statute) may continue any rights or powers vested in Judge's or King's Counsel holding appointments duly made prior to the Union: such appointments presumably not being affected by section 96 of the B.N.A. Act.

If such view be considered it is to be noted that there is no Judge of Superior or County Court now on the Bench, who was such prior to the Union.

And that of King's Counsel, there are but five, who were appointed to that office prior to the Union.

These gentlemen are illustrations of the applicability of the Dominion Act of 1891, 54-55 Vict. c. 28, sec. 4, and within the purview of certain Ontario Acts hereinbefore mentioned, to wit. R.S.O. ch. 51, secs. 7, 10, 87, 188; R.S.O. ch. 53; R.S.O. ch. 54.

### **Legislation by Ontario Collected: Alleged Invalidity in Certain Legislative Provisions.**

With reference to the Ontario Judicature Act, R.S.O. ch. 51, it is enacted by section 7 as follows:

“The Chief Justice of Ontario and the Justices of Appeal may be selected from the Judges for the time being, or the retired Judges of the High Court, or from such barristers as are eligible to be appointed Judges of that Court.”

This legislation is not in excess of Provincial power, but it seems to be unnecessary because the Governor-General could appoint a person who had retired and enjoyed compensation. The practical application of the effect of such legislation leads to the impression of its inutility, and indicates a deficiency at the Bar of competent persons eligible to fill the position of Justice of Appeal, and where can be the advantage of the suggestion to select one of a class whose decadence is the qualification for the retiring allowance, and, if acted upon, unjust to the profession being deprived of the opportunity to reach a position of proper ambition? It is to be hoped that no Governor-General would be advised or required by his responsible advisers to entertain such nomination.

R.S.O. ch. 51, sec. 10:

10. Upon the request of the Judge or Judges with or for whom he is requested to sit or act, it shall be lawful for any Judge of the Court of Appeal, or any Retired Judge of the said

Court, or of the High Court, who may consent so to do, to sit and act as a Judge of the said High Court, or to perform any other official or ministerial acts for or on behalf of any Judge absent from illness or any other cause, or in the place of any Judge whose office has become vacant, or as an additional Judge of any division; and while so sitting and acting, any such Judge of the Court of Appeal or Retired Judge shall have all the power and authority of a Judge of the said High Court, 58 Vict. c. 12, s. 10.

R.S.O., ch. 51, section 87—Sittings for Trials, Civil and Criminal, s. 82:

(1) Such sittings [referring to sec. 82 for trial of Civil and Criminal matter] shall be presided over by one of the Judges of the Supreme Court or in the absence of any such Judge by a Retired Judge of the Supreme Court, or by a Judge of any County Court in Ontario, or by one of Her Majesty's Counsel learned in the law appointed for Upper Canada, or for the Province of Ontario, upon such Judge or Counsel being requested by a Judge of the Supreme Court to attend for that purpose.

(2) Such Judge or counsel while holding the sittings shall possess, exercise and enjoy all the powers and authorities of a Judge of the High Court, and in civil proceedings may reserve the giving of his decision on questions raised at the trial, and such decision shall have the like force and effect as the decision of a Judge of the High Court. 58 Vict. c. 12, s. 5.

Is not the legislation, under sections 10 and 87, non-observance of the provisions of sections 96 B.N.A. Act 1867?

In brief these two sections propose that upon request of the Judge or Judges or of the Court with whom or in which one of the before-named functionaries is requested to sit, or sit and act, and while so sitting, such Judge or Counsel shall have the power and authority of a Judge of the High Court, or as such preside at the trial of Civil and Criminal cases.

The Committee is of opinion that the legislation is invalid because it assumes that the powers of a Judge can be conferred by request.

The remaining section of the Judicature Act, R.S.O. ch. 51, section 188, to which the Committee draw attention, is in the nature of a saving clause which in the ordinary construction

of statutes is of no effect in the sense of creating an affirmative or positive right.

The section in question purports not to affect the issue (by the Lieutenant-Governor) of Commissions of Assize, General Gaol Delivery, etc., or the authority of a Judge to preside without any commission.

These powers rest upon the Consolidated Statute of Upper Canada ch. 11—an “Act respecting Courts of Oyer and Terminer, and General Gaol Delivery and of Assize and Nisi Prius,” and, being within the Provincial power of Legislation relating to the constitution, maintenance and organization of the Courts, remained Provincial law, unless repealed or altered by Ontario.

But the above section 188 extended the class of persons or names qualified under the pre-Confederation legislation to be contained in the Commissions to new definitions, to wit: a “Retired Judge of a Superior or County Court” or counsel learned in the law.

It is for the consideration of Convocation whether this change is non-observance of section 96 of the B.N.A. Act, not only in respect of the Retired Judge, but “of counsel learned in the law” in substitution of “one of Her Majesty’s Counsel learned in the law of the Upper Canada Bar,” as in Consolidated Act prior to the Union in 1867. This question is again considered under a different topic.

R.S.O. ch. 51, sec. 188, is as follows:

This Act shall not affect the issue of any Commissions of Assize, Nisi Pruis, Oyer and Terminer, Gaol Delivery or other Commission for the discharge of civil or criminal business on circuit or otherwise; or the authority of a Judge or a Retired Judge of any of the Superior Courts, or of a Judge of a County Court, or one of Her Majesty’s Counsel learned in the law, to preside without any Commission at any Court of Assize, Oyer and Terminer, and General Gaol Delivery, or at a Court held under this Act in the exercise of the jurisdiction now belonging to the Courts of Assize, Oyer and Terminer, and General Gaol Delivery, or the authority of any Judge or Retired Judge of a Superior or County Court, or Counsel learned in the law, to hold any sitting for the hearing of causes; and any such Judge or Counsel shall after the commencement of this Act have the

same authority to preside as aforesaid or to hold any sitting of the High Court for the hearing of causes in the High Court, which such Judge or Counsel has to preside at Courts of Assize, Oyer and Terminer and General Gaol Delivery, and any such Judge or Counsel when presiding as aforesaid with or without a Commission, or when holding any sitting as aforesaid, shall be deemed to constitute a Court. (58 Vict. c. 12, s. 188, R.S.O. 1887, c. 44, s. 160; 44 Vict. c. 5, s. 85 (new) ).

In the case of the *Queen v. Amer*, 42 U.C. Q.B. 391, 1 Cartwr. 722, wherein a conviction for murder had been obtained before Walter McCrea—the Judge of the Provincial Judicial District of Algoma sitting under Commissions to hold Courts of Assize issued by the Governor-General of Canada and by the Lieutenant-Governor of Ontario, Mr. McCrea, as the Judge of the Provincial District having by section 94 of ch. 128 of the Consolidated Statutes of Upper Canada, “the same powers and duties as a County Judge in Upper Canada,” therefore was lawfully named under the Commissions in question in pursuance of chapter 11 of the Consolidated Statutes of Upper Canada as a County Court Judge might be nominated.

The Dominion Act, 1891, 54-55 Vict. chapter 28, by section 4, which does not seem to be included in the code passed 10th July, 1891, and is not repealed, provides: “It is hereby declared and enacted that general or special Commissions according to the laws at any time heretofore in force in any Province, issued by the Lieutenant-Governor” of any Province, “which contain the *names* of Judges or other officers who have been *duly* appointed to their respective offices either by the Governor-in-Council, or prior to the passing of the British North America Act, 1867, by other competent authority, shall with reference to all proceedings thereon confer the same powers, jurisdiction and authority on such persons as if such Commissions had been issued by the Governor-General.”

If this Legislation be necessary, it leaves open to question whether a Retired Judge as described in R.S.O. ch. 51, section 188, is a Judge or officer duly appointed by the Governor-in-Council.

It is to be noted that R.S.O. ch. 53, an Act respecting Courts of Assize—does not include among the persons whose names may be contained in the Commission, “Retired Judges.”

### The Status of King's Counsel on the Bench.

In the observations relating to sec. 188 of the Judicature Act, reference to R.S.O. ch. 53, respecting Courts of Assize has been made:

Section 1 thereof provides "the Lieutenant-Governor may issue *Commissions* for holding Courts of Assize, Nisi Prius, Oyer and Terminer and General Gaol Delivery, or *special* Commissions of Oyer and Terminer or of General Gaol Delivery for the trial of offenders whenever he deems it expedient."

This section is a consolidation of sections 2 and 6 of the before mentioned Consolidated Statute for Upper Canada, chapter 11 and the Ontario print under consideration adds "See also 54-55 Dom. cap. 28, sec. 1."

The effect of these Statutes Dominion or Provincial, should therefore be considered, including section 755 of the Criminal Code, 1892.

The Ontario Act, section 3, provides the Commissions shall, among other judicial functionaries, always contain the names of "any of Her Majesty's Counsel learned in the law appointed for Upper Canada or for the Province of Ontario."

Section 755 of the Code, which is limited in its purport or effect to the Province of Ontario, provides that general Commissions may contain, among other judicial functionaries "any of Her Majesty's Counsel learned in the law duly appointed for the Province of Upper Canada, or for the Province of Ontario."

It may be questioned:—

Did the Ontario Act, section 3, R.S.O. 53, indicate by the expression Her Majesty's Counsel appointed for the Province of Ontario, such as are appointed by the Dominion only, and such as are appointed by the Lieutenant-Governor-in-Council, or by either Government?

Did the Dominion Act, section 755 of the Code, mean by Her Majesty's Counsel duly appointed for the Province of Ontario as appointed by the Governor-General only, or did it mean to include by the Lieutenant-Governor-in-Council of Ontario?

The Act of the Dominion 54 and 55 Vict. chapter 28, and un-repealed—which is legislation precise and certainly distinct is as follows:—

"An Act with respect to certain matters affecting the Administration of Justice" (10 July, 1891).

Section 4. It is hereby declared and enacted that general or special Commissions, according to the laws at any time heretofore in force in any Province, for the holding of Courts of Assize and Nisi Prius, Oyer and Terminer or General Gaol Delivery issued by the Lieutenant-Governor, of such Province, which contain the names of Judges or other officers who have been duly appointed to their respective offices either by the Governor-in-Council, or, prior to the passing of "The British North America Act, 1867" by other competent authority, shall, with reference to all proceedings thereon, confer the same powers, jurisdiction and authority on such persons as if such Commissions had been issued by the Governor-General.

This legislation, it seems to the Committee, is final upon the personal composition of a Commission or the status of any officer to preside at Courts of Assize and Nisi Prius, Oyer and Terminer, or General Gaol Delivery, unless duly appointed in the terms of said section 4.

**The Case of King's Counsel, Sitting as Judge, or Presiding in a Court of Superior Jurisdiction Either Civil or Criminal—Under Ontario Legislation.**

By the Judicature Act, R.S.O. ch 51, sec. 87, already cited, it is provided that at sittings for trials civil and criminal—at the request of a Judge of the Supreme Court of Judicature, one of Her Majesty's Counsel learned in the law appointed for Upper Canada or for the Province of Ontario "may preside and so sitting shall possess all the powers and authorities of a Judge of the High Court."

(NOTE: A Retired Judge not included).

And by R.S.O. ch. 53, respecting Courts of Assize and Nisi Prius, the Lieutenant-Governor may issue Commissions or special Commissions for the trial of offenders which Commissions shall contain the names of the Judges of the High Court, and the names of the Judges of the County Courts and of any of Her Majesty's Counsel learned in the law appointed for Upper Canada, or for the Province of Ontario, such Judges or Counsel shall while so presiding possess all powers and authorities which a Judge of the High Court would have if presiding.

(NOTE: A Retired Judge not included).

Dominion Legislation in so far as it relates to King's Counsel provides, 54-55 Viet. ch. 28, sec. 4 (1891), that the names in

Commissions, general or special, for holding Courts of Assize, Nisi Prius, Oyer and Terminer, and General Gaol Delivery issued by "the Lieutenant-Governor of any Province shall contain the names of Judges or other officers who have been duly appointed to their respective offices either by the Governor-in-Council, or prior to the passing of the British North America Act, 1867, by other competent authority."

By the Criminal Code of Canada of 1892, sec. 755.

In the case of King's Counsel, as well as of a Retired Judge, there is no recognition by the Dominion Legislature of any powers conferred by Provincial Legislation.

Unless such persons derive appointment from the Governor-General or from competent authority prior to the passing of the B.N.A. Act.

The questions therefore arise whether any Retired Judge under the Provincial Legislation before mentioned, or King's Counsel deriving authority by Provincial Legislation can preside or discharge any duty assigned in any Provincial Court either Criminal or Civil, under any circumstances, and whether any person can act or preside as a Judge who has not been appointed pursuant to sec. 96 of the B.N.A. Act.

A further question arises in the case of Retired Judges who had been appointed King's Counsel before being placed upon the Bench—whether if named in a Commission or requested to sit as Judge the exercise of the jurisdiction could be supported under the Commission as King's Counsel.

### **The Retired Judge Returning to Practice.**

A barrister upon his elevation to the Bench is withdrawn from the arena of practice and all that is incident to the position of Counsel and the profession. The public look upon the office with esteem and regard its occupants with feelings of respect, and nothing should be permitted whereby a Retired Judge could have the opportunity to be engaged in professional business, the mere fact tending to lower the dignity of the high office formerly held and so react upon the Bench at the time existing—the resumption of practice has a tendency to impair and lower that dignity which should be upheld, as well off, as on the Bench.

Again, it appears to the Committee, that a Retired Judge resuming practice is an act of injustice to the members of the profession—especially is it so in the case of Judges of the County Court where it may readily be supposed that the prestige, experience, influence and social position the Judge has acquired in his County will have weight with the public to his own advantage and to the corresponding disadvantage of other and younger members of the profession.

The historical instances of retired, dismissed or resigned Judges who have returned to practice, after loss of office in England, do not present analogies of much service in the matter now under consideration,

#### BECAUSE

The present inquiry is directed to report upon the cases of Judges who have resigned and obtained compensation—annuity or pension as it may be differently termed, in pursuance of statutory provisions, in force and effect at the period of original appointment.

In England no statute was passed granting pensions until 1799, 39 Geo. III. ch. 110—the provisions of which have been closely followed by our own provisions. Section 7 of said Statute of 1799 of George III.

Prior to that period (1799) the Resigning Judges depended upon the favour of the Sovereign—such grants not being by any means uniform—varied in amount according to the friendliness of the Judges' decisions towards the reigning Sovereign—occasionally the subject of a promise to induce acceptance of the Judgeship, and very often the subject of a bargain to resign, in order that a vacancy could be created.

The status of Judges prior to the reign of William III. generally rested upon Patents under the Great Seal with tenure "*during pleasure*"—that seems to have been the tenure of puisne Judges from the earliest times.

In several instances prior to William III. Patents were passed on the tenure of "good behaviour"—but no matter what was the tenure none of the Stuarts or even Cromwell allowed such consideration to interfere with the freedom of their own action.

But generally speaking, the Judges who had been dismissed and did return to practice, of which there are many instances, were those who had held their appointments during pleasure: and no case has been found which satisfactorily establishes dismissal and returning to practice where the tenure had been "during good behaviour."

The Committee deem it unnecessary to report more in detail on such English cases, they being dismissal without compensation, do not afford useful analogies.

**Cases in Ontario where Judges Retired upon Pensions have Returned to Practice.**

3. Upon so much of the reference by Convocation to this Committee to make inquiries into any cases which there have been in this Province where Judges have resumed practice after retirement with compensation, furnishing Convocation so far as practicable with a historical resume of such cases and making such comment upon the cases or any of them as may seem expedient and proper.

The Committee report, that to the knowledge of the members of the Committee, two Judges of County Courts who resigned their Judgeships were pursuant to statute granted pensions by way of annuities, and after such retirement resumed the practice of the law as barrister and solicitor, and continued in such practice for some years.

NOTE: The instances being George Mackenzie Clark, formerly Judge of the County Court of County of Northumberland. He resigned his Judgeship and obtained his pension according to statute in 1887; and accepted the position of solicitor or counsel to the Canadian Pacific Railway Company. He took out his certificate to 1903. On December, 1889, he was appointed a Queen's Counsel by the Governor-General for the Province of Quebec; the other, John Juchereau Kingsmill, formerly Judge of the County Court of the County of Bruce. He resigned his Judgeship and obtained his pension according to Statute in 1893 and joined the firm of Messrs. Kingsmill, Saunders & Torrance. He took out his certificate to the time of his death. On 8th

August, 1895, he was appointed Queen's Counsel by the Governor-General, but there is no territorial limit described in the Canada Gazette.

The Committee are not aware of any instance of a Judge of the Supreme Court of Judicature or any Judge of the former Superior Courts of law and equity having resigned his Judgeship and entitled to a grant of pension, having resumed practice.

The Committee find that there is no difference in the cases of Retired Judges of the Superior Courts or County Courts, the pension by way of annuity is under the Great Seal of Canada, to continue during the term of the natural life of the grantee—without conditions expressed, or duties required or imposed.

No precedent has been discovered where in England a Judge who held office *quamdiu bene se gesserit* and dismissed had returned to practice; but the information may not be sufficient to pronounce with certainty. In the cases of *tenure durante bene placito*, the instances of returning to practice are not infrequent, but these instances are not applicable or satisfactory.

And there is no case to be found in England where any Judge, who had resigned, having received compensation for loss of office or pension or annuity on retirement, continued to enjoy such benefits and returned to professional practice.

The Committee is not convinced that it is legal that in Ontario a Retired Judge in receipt of the Statutory pension can resume practice.

But where a Retired Judge of Ontario, before being placed upon the Bench practised or was entitled to practise as well at the Bar—as an Attorney or Solicitor, and while the Committee is unable to pronounce that such Retired Judge became disbarred by reason of the acceptance of a Judgeship—nevertheless the Committee is prepared to advise that the Retired Judge by the acceptance of office as Judge, lost the office of Attorney or Solicitor, and therefore cannot return to practise as such.

The Committee find that in England, if a solicitor has been called to the Bar, after being struck off the Roll, the Court will not restore him (*re Cole*, 1, *Douglas*, 114) to the Roll until he has been regularly disbarred. (*re Warner*, 6, *Jurist*, 1016).

By the Solicitor Act, R.S.O. ch. 174, sec. 3, sub-sec. 3, the solicitor is deemed to be an officer of the High or Superior Court, and by sec. 56 of the same Act, is under the jurisdiction of the Courts as an officer.

If, therefore, such Solicitor is appointed to the office of Judge of the High or other Superior Court, and he qualified as a barrister at law of, at least, ten years' standing at the Bar of Ontario, R.S.O. ch. 51, sec. 3, sub-sec. 6, it would seem by authority his office of attorney would be void. Comyn Dig., Offices Incompatible.

If the remembrancer of the Exchequer be made a Baron of the Exchequer the first office becomes void. *Rex v. Blage*, 2 Dyer, octavo ed., 197, 7.

So the Chief Justice of C.B. cannot be prothonotary or clerk of the papers in the same Court, 1 Siderfin, 305.

R.S.O. ch. 174, sec. 30—Solicitors are prohibited to practice while holding certain offices—described at some length, but none of these offices are of a character of incompatibility as uniting in the same person—the Judge and an attorney or solicitor practising before the same Judge, or in the same Court.

### **The Incompatibility of the Office of King's Counsel being Vested in the Same Person when Appointed to the Office of Judge.**

The Committee deem it to be important if Convocation accepts the view, that the fact be known and acted upon, that when a King's Counsel accepts a Judgeship whether of the High Court, Court of Appeal, or County Court, such office of King's Counsel, being incompatible with the office of Judge, is at an end; and that the said office of King's Counsel does not revive on resignation of the Judgeship.

A question relating to the office of King's Counsel presents itself for your Committee's consideration, namely, does a King's Counsel cease to be such upon his elevation to the Bench: We think he does. The office of Counsellor to the King is inconsistent with the higher office of one of His Justices. He cannot discharge the duties of both; they are incompatible.

The office of Judge is judicial, and that of a King's Counsel is ministerial, and when a King's Counsel accepts a Judgeship,

the higher office of the two, he thereby vacates, we think, the office of King's Counsel. From the earliest appointments made the Commissions under the Great Seal the Patents describe the position as an office.

It may be urged that County Court Judges in England, some of whom are King's Counsel, retain that office of dignity. The reason for this, however, is obvious. In this Province Judges of the County Court are appointed by the King, but in England they are appointed, and may be removed, not by the King, but by the Lord Chancellor (see 9 and 10 Vict. ch. 95, sec. 9, referred to on page 7 of Lloyd's County Courts Practice).

No instance has been found of the case of a King's Counsel in England appointed to the Superior Court Bench who for any reason ceased to be a Judge, retained his office of King's Counsel.

Cases, however, of Serjeants at Law who had been appointed law officers of the King or Queen have arisen where the right to practise, after having been appointed a Judge and ceasing to be such Judge, has arisen.

The appreciation of such cases requires some attention to be given to the position and status of Serjeant at Law and the Order of the Coif.

At first, Serjeants at Law were the appointees of the Court and eligible after practising at the Bar not less than 16 years.

Then the practice arose whereby they were called by the King to be Serjeant only; this was not an office, but an order.

All Judges had to be of the degree of the Coif, *i.e.*, Serjeants at Law, before being qualified to sit as Judges (K.B. and C.P. Barons of the Exchequer not at that time included among the Judges). See Foss' Lives, Vol. IV. pp. 222 to 224.

In 1579—21 Eliz: Barons placed on same, and it was not unusual for a Judge to be inducted as Serjeant at Law and give rings on the day of or immediately before his appointment as Judge, and in all cases his being a member of the Order continued after his ceasing to be a Judge.

But not so, if being a Serjeant, he was made King's Ancient Serjeant, or a King's or Queen's Serjeant thereby having precedence by virtue of his appointment to such office of the

Attorney and Solicitor-General on all occasions, 1 Ld. Campbell's Lives, 155, of which there are many, in such case his appointment as King's Serjeant, on appointment to the Bench of a Superior Court became vacant, though he still remained Serjeant at Law.

Pulling, Order of the Coif, p. 38.

This appears to be analogous to the case of King's Counsel in Ontario accepting a Judgeship.

Foss VI. p. 32.

The offices of Attorney and Solicitor-General were considered incompatible with the degree of Serjeant at Law; for many instances occur in which the one is resigned on the other being taken.

And to substantiate the general rule observed, the following extract from Pulling in the Coif.

Pulling's Order of the Coif, p. 37.

Page 37. The acceptance of any office from the Crown generally vacates that previously held; and it seems pretty clear that the acceptance of a Judgeship by His Majesty's Attorney-General, Solicitor-General or other of His Majesty's Counsel vacates the former appointment, but a Serjeant at Law appointed Queen's Serjeant or a Judge remains still a member of the old Order of the Coif and his rights, duties and powers as a Serjeant at Law continue after such official appointment ceases.

### **Sir George Hutchins.**

Sir George Hutchins, whose writ as Serjeant at Law dated 1686, and his Patent as King's Serjeant 1689, was in the next year appointed one of the Commissioners of the Great Seal; and on being discharged from that high official position, set up his claim still to be King's Serjeant; but it was held in accordance with several authorities that Sir George Hutchins' acceptance of office extinguished his place of King's Serjeant though he still remained Serjeant at Law. 5 Levinz, 351.

### **Sir John Mellor's Case (1880).**

Pulling, p. 38. On a recent occasion in consequence of the insufficient number of the Judges for the Circuits, it was desired to find a fit person to act as Special Commissioner on the Northern Circuit.

The selection was made of Sir John Mellor who, having been made a Queen's Counsel in 1851, and a Serjeant at Law and Judge in 1861 had retired from the Bench in 1881 (on his statutory annuity). Sir John Mellor was duly appointed (1880), as a Judge to go Circuit, the only qualification he still retained for the purpose being that of Serjeant at Law.

At p. 104, there is this further note: "The appointment of Judge of Assize was made from those who had retired from the Bench, had ceased, of course, to be Queen's Counsel, but legally remained Serjeants at Law.

Pulling's Order of the Coif (1884).

Note 2, p. 197: "The law list includes among the Queen's Counsel not only those in actual practice, but the names of gentlemen who have retired from the Bar, or have vacated the position of Queen's Counsel by holding inconsistent judicial appointments."

### The Case of Ranulphe Crewe.

The case of *Ranulphe Crewe*, Foss' Lives, Vol. VI., p. 290, 1 July, 1614, called to the degree of the Coif.

A few days after made King's Serjeant.

26th January, 1625, appointed C.J. of K.B.

9th November, 1626, refusing to recognize the legality of forced loans he was discharged from his office Cro. Car. 52.

He survived his dismissal for 19 years.

Letter to Buckingham, 28 June, 1628.

"I am now in the 70th year of my age: it is the general period of man's life and my glass runs apace. Well was it with me when I was King's Serjeant, I found profit by it: I have lost the title and place of Chief Justice. I am now neither the one nor the other; the latter makes me incapable of the former, and since I left the Chief's place my loss has been little less than £3,000 already." I., Campbell's Lives of C.J., 378.

This seems to support the view that the appointment to the Bench puts an end to the previous relation of King's Serjeant.

The Committee beg to summarize the main features of the resolutions of Convocation upon which the Committee believe they have been asked to report:

1. As to the propriety and right of a Judge who having resigned his Judgeship and obtained compensation, annuity or

retiring allowance under Statutory provisions, and continuing to draw the same, can return to practice.

2. What is the legal status of such retired Judge in view of his statutory recognition, and the duties assigned by statute or other authority to him; and whether such duties, the creation of Dominion or Provincial Legislation can be legally exercisable by such Retired Judge.

3. Where such Retired Judge had at the time of being placed upon the Bench, enjoyed the office of King's Counsel, whether his enjoyment of or right to such office of King's Counsel did not ipso facto cease by his appointment to the office of Judge.

4. Whether the Statutory provisions of either Dominion or Provincial enactment duly qualify King's Counsel to discharge judicial functions, notwithstanding the provisions of sec. 96 of the B.N.A. Act, 1867.

5. And whether in the general interest, legislation should be advised to remove or alter that which may, in the matters hereinbefore discussed, seem to be illegal or ambiguous.

Upon the aforesaid features the Committee assume that it will be proper to offer their recommendations.

Upon the 1st point—The Committee do not deem the Retired Judge enjoying a pension to be debarred from returning to practice as Counsel.

The Committee venture to call the attention of Convocation to R.S.O. 1897, ch. 172, sec. 40, which provides: "The Benchers may from time to time make all necessary rules, regulations and by-laws, and dispense therewith from time to time to meet the special circumstances of any special case respecting the admission of students at law, the periods and conditions of study, the call or admission of Barristers to practise the law, and all other matters relating to the discipline and honour of the Bar."

And to suggest that rules may be made restricting any Barrister practising who has served as a Judge and resigned, and holding an annuity or compensation on his resignation.

The foregoing are objections of legal character, but the Committee submit, if the exercise of judicial functions can be required of Retired Judges, reasons can be given to shew that the practice is unsound and not in the interest of suitors and should be changed by Legislation.

The Committee is prepared to believe that if in the view of Convocation, the returning to practise by a Retired Judge enjoying a pension be condemned, that such intention will not at any time be entertained.

On the second point—of the legal status of the Retired Judge, subject to the opinion and advice of Convocation—the Committee view such official to be without any judicial character or appointment, and when not supported by Letters Patent under the Great Seal of Canada, render all acts done as such Retired Judge to be absolutely void, and the Committee recommend that the Attorney-General of Ontario do introduce Legislation to repeal every Statutory duty assumed to be assigned to a Retired Judge—and in support of these views the Committee refer to *Wilson v. McGuire*, 2 Ontario, 118, 2 Cartwr. 665, and *Gibson v. McDonald*, 7 Ontario 411, 3 Cartwr. 319.

The conflict between the provisions relating to a Retired County Court Judge, enacted by R.S.O. ch. 54, sec. 17, and Dominion Act 54-55 Vict. 28, sec. 3, requires to be harmonized, or the utilization of a County Court Judge retired and enjoying a pension wholly repealed. Nevertheless, the Committee record its opinion that the functions assigned by either legislature to a Retired Judge are unnecessary, unwise and superfluous.

On the third point.—Whether the appointment to the Bench of a King's Counsel annulled the previously enjoyed appointment of King's Counsel—Committee is of opinion that the offices are incompatible.

On the fourth point.—The Committee recognize the adjudged case in the Privy Council, 1898, A.C. 247, on the power and authority of King's Counsel appointed by the Lieutenant-Governor, but do not understand that the said judgment extends to the qualification of judicial functions in view of sec. 96 of the B.N.A. Act, 1867.

To the fifth point.—The Committee suggest that Convocation represent in the proper quarter its conviction, that the principle contained in some statutory passages recognizing Provincial Legislation in the discharge of judicial functions, on any person "being required so to do by an order of the Governor-in-Council made at the request of the Lieutenant-Governor of a Province," is illegal and in opposition to section 96 of the B.N.A.

Act, no person being qualified to sit as Judge except appointed by the Governor-General of Canada, under the Great Seal of Canada, and then to fill an office—save, of course, any person whose qualification may rest upon section 12 or section 65 of the B.N.A. Act and within the unrepealed provisions of the statutes of the late Province of Canada.

R.S.O. ch. 54, sees. 16 and 17 and 54-55 Viet. ch. 28 (Dom.), sec. 3, relating to Retired County Court Judges, are examples of the Legislation indicated,—and possibly a schedule might be prepared to shew unnecessary and objectionable Legislation with suggested changes.

Respectfully submitted,

JOHN HOSKIN,

*Chairman of Discipline Committee.*

Osgoode Hall, 16 June, 1905.

Convocation ordered that the thanks of Benchers are due to the Discipline Committee for the valuable information collected and embodied in the Report submitted to Convocation.

The following gentlemen were then introduced and called to the Bar:—

Messrs. George Bligh O'Connor, with honours and silver medal; Frederick Austin Joseph Day, with honours, also Francis Vickers Johns, John Francis, Hope McCarthy. Convocation then rose.

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# LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM.

Thursday, November 23rd, 1905.

PRESENT:—The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Clarke, Foy (Attorney-General), Gibbons, Gibson, Glenn, Guthrie, Kerr, Lynch-Staunton, McPherson, Nesbitt, Ritchie, Strathy, Thomson and Wilson.

The minutes of the meeting of Convocation on Friday, the 22nd day of September, in Trinity Term, 1905, were read and approved.

Mr. Bruce, from the Committee on Journals, presented the following report:—

To the Benchers of the Law Society:—The Committee on Journals and Printing beg to submit the following memorandum regarding the late Christopher Robinson, a member of the Bench.

Christopher Robinson, a Bencher of the Society, died at his residence, Beverley House, in the City of Toronto, on 31st October, 1905. Mr. Robinson was the son of the late Sir John Beverley Robinson, for many years Chief Justice of Upper Canada, and was born on 28th January, 1828, in the house in which he died. He was called to the Bar in Trinity Term, 1850, and was appointed one of Her Majesty's Counsel for Upper Canada by Letters Patent of the late Province of Canada on 28th March, 1863. He was Reporter of the Court of Queen's Bench from 1856 to 1872, and held the office of Editor of the Reports issued under the authority of the Law Society from Easter Term, 1872, until his resignation of that office in Easter Term, 1885. He was elected a Member of Convocation in Trinity Term, 1885, and was re-elected at the General Election of Benchers held before Easter Term in the year 1886, 1891, 1896, and 1901 respectively.

The report was received and adopted.

Convocation then ordered that a call of the Bench be made for Friday, the 8th day of December next, for the election of a Bencher to fill the vacancy caused by the death of the late Christopher Robinson.

Mr. Barwick on behalf of the Legal Education Committee presented the following reports:—

- In the case of M. A. R. Nesbitt, he desires to be admitted as a student-at-law of the matriculant class. He has obtained the standing of a Junior Matriculant at the Departmental Examinations and at McMaster's University excepting in the subject of English Literature. He shows that he has passed the first year examination in English Composition and Literature at the University of Toronto, and asks that his qualifications be accepted as equivalent of full Junior Matriculation. The Committee recommend that the petition be granted.

Ordered accordingly.

In the case of Sir Joseph Philippe Rene Adolphe Caron, he is a Member of the Bar of the Province of Quebec, and presents a petition showing that the necessary reciprocal provisions have been made in Quebec with reference to the call of the Members of the Bar of Ontario, and that he has complied with the provisions of Rules 184 and 186 except the passing of the examination.

Ordered that it be referred to a special Committee consisting of Mr. Bruce and Mr. Ritchie to examine Sir Adolphe Caron touching his qualifications in pursuance of Rules 184 and 186.

Upon the question of increasing the annual fees payable by students attending the Law School, the Committee recommend that the fees be increased. Beginning with the September Session, 1906, when the fee to be \$80.00 and the fee beginning with the September Session of 1907 and thereafter to be \$100.00.

The report was received and consideration thereof reserved.

In respect to the communication dated 16th May, 1905, from the Senate of the University of Toronto forwarding a resolution appointing a Committee to confer with the authorities of the Law Society with a view to the establishment of closer relations and which was by order of Convocation of 18th May, 1905, referred to the Legal Education Committee for report, that in view of further communication, the Committee does not report hereon.

In respect to the maintenance of the Phillips Stewart Library for Students, the Principal in his letter of the 9th May, 1905, applies for the addition of the following books in the Phillips Stewart Library:—

Armour on Titles 5 copies, Armour on Real Property, 3 copies; Blyth's Analysis of Snell, 5 copies; Clement's Canadian Constitution, 2 copies; Bourinot, Constitutional History, 4 copies; Bicknell & Kappelle, Statutes, 6 copies, and Kenny's Cases of Torts, 10 copies, at a cost of about \$135.00. The Committee recommend that the amount required be granted.

The report was received and consideration thereof reserved.

Convocation then, in pursuance of notice given from Special Call of the Bench for this day proceeded to the appointment of an Examiner for the Law School in pursuance of Rule 39, and on ballot, Mr. R. L. McKinnon was declared elected, and was appointed examiner.

Convocation then entered upon consideration of the report of the Legal Education Committee in respect to expenditure in aid of the Phillips Stewart Library for Students. The report was adopted, it being noted that Convocation does not look upon the grant as more than a special grant and that it is not to be regarded as a precedent.

Convocation then entered upon consideration of the report of the Legal Education Committee recommending an increase of the fees payable by students attending the Law School, and the same was adopted.

The letter dated 15th November, 1905, to the Treasurer of the Law Society, from the Secretary of the University of Toronto Commission was read as follows:—

TORONTO, November 15th, 1905.

SIR,—

I am requested to say that the Government of Ontario has appointed a Commission to consider upon a plan for the reorganization of the system of administering the University of Toronto in all its branches.

As the Commission desires to inform itself respecting the relations between the Law School and the University of Toronto, I am requested to convey to the Law Society of Upper Canada

through you a formal invitation to appoint a Committee for the purpose of meeting the members of the Commission.

I shall be glad to arrange the time for a meeting between the representatives of the Law Society and the Commissioners as you may indicate to be the most convenient.

I have, etc.,

A. H. COLQUHOUN,

*Secretary.*

The letter of acknowledgment of 17th of November by the Secretary of the Law Society was read.

It was moved by Mr. Aylesworth that the Treasurer, the Attorney-General, Mr. Lash, Mr. Barwick, and Mr. Shepley be appointed a Committee for the purpose of meeting the members of the University Commission, and that the Commission be requested to appoint an early day, so that the Committee may be enabled to report to Convocation on the 8th of December.—Carried.

The letter of Mr. W. C. Mikel of the 29th September, 1905, forwarding a copy of the resolutions passed at the meeting of the delegates from the County Law Association held at Osgoode Hall on the 29th of August, 1905, was read, as were also the copies of resolutions.

Ordered that consideration thereof be deferred.

Mr. Bruce on behalf of the Special Committee appointed to examine Sir Joseph Philippe Rene Adolphe Caron touching his qualifications for Call to the Bar reported that they had examined him touching his qualifications for Call to the Bar, and that he had satisfactorily passed the examination.

The report was adopted.

Sir Joseph Philippe Rene Adolphe Caron being in attendance was then introduced and called to the Bar.

The letter dated 9th November from Mr. E. H. Jenkins, Chairman of the Alma Mater Society of Victoria University, requesting the presence of a representative from the Law Society at their annual *Conversazione* to be held on the evening of Friday, 1st December, was read.

Mr. W. D. McPherson was requested by Convocation to attend as their representative on the said occasion.

Mr. McPherson gave notice at the meeting of Convocation tomorrow, 24th instant, he would move:—

That in the opinion of the Law Society of Upper Canada it is desirable that a table of the reported decisions of the various Courts in all the Provinces in any way referring to a Statute of Canada should be added as an appendix to the Revised Statutes of Canada about to be published.

Convocation then rose.

Friday, November 24th, 1905.

PRESENT:—The Treasurer and Messrs. Barwick, Bruce, Glenn, Riddell, Shepley, Strathy, Thomson, and Watson.

The minutes of the meeting of Convocation held on Thursday, the 23rd day of November, 1905, were read and approved.

It was ordered that the Reporting Committee be requested to report to Convocation on the reference made to them by Convocation on 9th February last, and that the time for making such report be extended to the 8th of December next.

Ordered that the application of Mr. George O'Brien McHugh, a member of the Bar of the North-West Territories, for admission to the Bar of the Province of Ontario be referred to the Legal Education Commission.

Mr. Barwick from the Legal Education Committee presented the following report:—

Mr. H. S. Hunter has passed the Third year supplemental examination, and has duly attended the required number of lectures. His papers and service are correct and regular, and he is entitled to be called to the Bar and receive his certificate of fitness.

Ordered accordingly.

In respect to the Third Year examination of Easter, 1905, the papers and services of the following gentlemen whose attendance upon lectures and examination have been allowed are correct and regular, and they are entitled to be called to the Bar and receive their certificates of fitness:—

M. G. Powell, T. L. Monahan, J. R. Marshall, W. G. Blackstock, B. W. Collison, W. W. Denison.

That Mr. Powell and Mr. Monahan are entitled to be called to the Bar with honours and Mr. Powell, who is first on the list, of those who passed with honours, and has passed both his intermediate examinations with honours is entitled to receive a gold medal.

Ordered accordingly.

Mr. F. W. Lundy, whose attendance upon lectures and Third Year examination have been allowed has completed his papers for Call; and his service under articles does not expire until the 14th day of December, 1906.

Ordered that he be called to the Bar, and that upon production of the usual proofs of the completion of his term of service he be then forthwith granted his certificate of fitness as solicitor.

In the case of Mr. George O'Brien McHugh, he has furnished proof of having complied with the provisions of Rule 184, and a copy of the Rules of the Law Society of the North-West Territories has been produced showing that he is entitled to be called to the Bar under Rule 186. The Committee recommend that Mr. McHugh be called to the Bar upon his passing an examination to be prescribed under Rule 186 and paying the prescribed fee.

Ordered accordingly and ordered that the Secretary do inform the applicant that his fees are to be paid two days before he submits himself for examination.

The following gentlemen were then introduced and called to the Bar:—

Mr. Montagu Grant Powell, Thomas Louis Monahan, John Roy Marshall, William Gooderham Blackstock, Barney Frederick Webster Collison, Walter Wallbridge Denison, Hugh Stewart Hunter.

Mr. Powell and Mr. Monahan were called with honours and Mr. Powell was presented with the gold medal.

Mr. McPherson then moved in pursuance of his notice on the 23rd instant.

Ordered that a copy of the said notice be forwarded to the Chairman of the Reporting Committee accompanied with a request that the said Committee do report upon the matter refer-

red to them on 20th November, 1903, and that the Committee be prepared with such report on the 8th of December next.

Convocation then rose.

Friday, December 8th, 1905.

PRESENT:—The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Attorney-General Foy, Glenn, Guthrie, Hoskin, Lynch-Staunton, McKay, MacLennan, McPherson, Nesbitt, Ritchie, Shepley, Strathy, Thomson, and Watson.

The minutes of the meeting of Convocation held on Friday, the 24th day of November, 1905, were read and confirmed.

Convocation then, pursuant to Call of the Bench ordered on the 23rd of November last, proceeded to the election of a Bencher in the place of the late Christopher Robinson.

Mr. Wallace Nesbitt was elected.

Mr. Nesbitt was then appointed a member of the following Standing Committees:—Legal Education, Discipline and Library.

Dr. Hoskin on behalf of the Discipline Committee presented the following reports:—

In the matter of the complaint of Mr. G. Hugh Semple, of Montreal, Advocate, against Mr. A. B., barrister and solicitor.

Your Committee beg to report that the Secretary has under the instructions of the Committee written to the complainant informing him that the matter of his complaint is fully provided for by remedies enforced in the Courts of law by action, suit or otherwise, and that the subject is not one into which the Law Society deems it necessary to inquire until the ordinary remedies are exhausted.

The report was adopted.

In the matter of the complaint of Arthur B. Hanscome, of Vancouver, engraver, against C. D., barrister, your Committee appointed Friday, the 27th day of October, 1905, for that purpose, when the complainant was represented by his counsel, the defendant not appearing.

Counsel for the complainant having stated that he did not think he could establish a case, your Committee permitted the complaint to be withdrawn.

8th December, 1905.

The report was adopted.

In the matter of the complaint of Logan McCann, of Burlington, against Mr. E. F., barrister and solicitor.

Convocation having on the 14th day of September, 1905, sent this complaint to the Discipline Committee for investigation and report, your Committee appointed Friday, the 27th day of October, 1905, for that purpose.

Upon service of notices of the investigation, the solicitors for the complaint informed the Chairman that their client did not intend to proceed under the complaint. Mr. E. F. and his counsel waited upon the Chairman and said counsel in a letter written on behalf of Mr. E. F. stated that he would not repeat the act complained of. The Committee are, therefore, of opinion that the complaint should not be proceeded with.

The report was adopted.

In the matter of the complaint of Mr. E. B. Edwards, of Peterborough, barrister and solicitor, against Mr. G. H., barrister and solicitor, charging him with professional misconduct, the Committee beg to report to Convocation that they have considered the complaint, and they find that a *primâ facie* case of misconduct has been shown, and they recommend that the said complaint be referred to the Discipline Committee for investigation.

The report was adopted, and the complaint was referred to the Discipline Committee for investigation.

In the matter of K. L., barrister and solicitor.

The attention of the Discipline Committee having been called to the fact that a member of the Society has been convicted of felony and sentenced to imprisonment, the Committee desires to bring the matter to the attention of Convocation and ask Convocation to inquire into the same.

Ordered accordingly.

Mr. Bruce, from the Committee on Journals and Printing, presented the following report:—

The Committee on Journals and Printing beg to report that James Pitt Mabee, a Bencher of the Society, has been appointed a Judge of the Supreme Court of Judicature for Ontario, and has been sworn in and taken his seat as such Judge and that a vacancy is thus caused.

Ordered that a Special Call of the Bench be made for Thursday, the 8th day of February, 1906, to elect a Bencher in the room of the Honourable Mr. Justice Mabee, whose seat as member of Convocation has become vacant.

Mr. Barwick, from the Legal Education Committee, reported as follows:—

In the case of Mr. H. W. Edgar, he passed the entrance examination of the Royal Military College in June, 1900. If he had attended the first year at the College and passed the examination at the end of the first year, he would under Rule 109 of the Society have been eligible within four years from the latter date to obtain admission as a student-at-law. He did not attend the College, and did not pass the examination, but has since then been engaged in mercantile pursuits. He applies for admission as a student-at-law. The Committee do not recommend the granting of the application.

The report was adopted.

Mr. Ritchie, from the Reporting Committee presented the report of that Committee which was read and ordered to be taken into consideration paragraph by paragraph, as follows:—

The Reporting Committee has had under consideration the subject matter of the reference by Convocation as to the possibility of effecting a reduction in expenditure in connection with the publication of the Law Reports of the Society, and begs to report as follows:—

Shortly after the matter was referred to the Committee, letters were sent to the Official Reporters of several of the States of the American Union, asking for detailed information as to the method or system adopted in connection with the publication of the Reports in such States, and as to the duties of the Reporters, the cost of publication, and as to other matters incidental thereto.

Replies were received from the Official Reporters of five States, viz., Illinois, Massachusetts, New York, Ohio, and Pennsylvania. These replies, as also a tabulated statement prepared by the Secretary of the Law Society, accompany this report.

None of the Official Reporters heard from are of opinion that satisfactory results would likely be obtained by letting a con-

tract to a publishing firm, who would for a fixed sum undertake the work of reporting, printing and publishing.

The Official Reporter, of the State of New York, says that in that State the contract system had been tried and found to be unsatisfactory, and was therefore abandoned.

It will be observed that apparently in none of the States heard from is the personal attendance of the reporter in Court required except in the State of Massachusetts, so that it is difficult to make a fair comparison between the cost of reporting in these States and the cost in Ontario, where, as appears by the report of the Editor-in-Chief, each reporter is required to attend in Court seventeen weeks during the year.

The Reporters' Roster prepared by the Editor-in-Chief, and covering the period January-June, 1905, as also the memorandum as to reporting prepared by the Editor, are submitted herewith.

Your Committee, after careful consideration, does not feel warranted in recommending the adoption of the contract system, and is for many reasons of opinion that the full control of the reporting should be retained by the Law Society.

Your Committee has had several interviews with the Editor, with a view of ascertaining whether the reporting staff might not be reduced without impairing the efficiency of the reporting, but he states that if any reduction were made in the staff it would be impossible to have a reporter present in each Court during the sittings. In view, however, of the financial position of the Society, your Committee recommends that the reporting staff be reduced from six to five. This reduction would doubtless interfere with the regular attendance of a reporter in the Weekly Court, but by extra effort on the part of the remaining staff it is hoped the efficiency of the reporting work will not be seriously impaired.

Your Committee, being of opinion that the Ontario Law Reports should, like the English Law Reports, be issued monthly, with that end in view had several interviews with the Manager of the Canada Law Book Company, the present printers and publishers of the Ontario Law Reports, and procured from them a letter, copy of which follows:

TORONTO, CANADA, 4th Dec., 1905.

DEAR SIRS,—

We would be prepared to issue the Ontario Law Reports in monthly parts, without any addition to the cost of our tender. In order to have the number appear regularly and promptly, we would ask you to instruct your Editor that the 25th day of each month should be the last day for turning in final proof certified to for printing.

We would agree to print and bind and have ready for delivery by the first day of each month, the numbers of the Ontario Law Reports. On the first day of the month, the numbers would be handed to the post office department for delivery to the members of the Society who reside outside of the City of Toronto. On the morning of the first of each month, we would begin the delivery by a young man of the Reports for the members of the Society in the City of Toronto, and as receipts are taken for the delivery of each part in the city this necessitates three days of the young man's time.

Yours very truly,

R. R. CROMARTY.

Your Committee recommend that the Editor be instructed as requested in said letter, and further that he be authorized to notify the reporters that failure on the part of any one of them to promptly prepare the cases to be reported by him, and to do everything requisite on his part to have same printed and published without any unnecessary delay, will be deemed sufficient ground for dispensing with his services without further notice.

Your Committee begs to report that, acting under authority conferred by Convocation, an agreement was entered into with the Canada Law Book Company, by which it was provided that the provisions of the contract with that Company dated 14th June, 1900, should extend to the publication of said Reports until such time as notice should be given by the Chairman of the Reporting Committee putting an end thereto, or a new contract should be made between the parties.

Your Committee begs to report that tenders have been received from the Carswell Co., Limited, and the Canada Law Book Company, which are submitted herewith.

Your Committee recommends that the lowest tender, that of the Canada Law Book Company, be accepted, and that Mr. A. H. Marsh, K.C., be retained to act for the Society in the preparation of a formal agreement for five years embodying such terms as may be deemed necessary for the protection of the interests of the Law Society.

Under the tender recommended for acceptance, there will be a saving to the Society of about \$900.00 per annum on the printing and publishing of the Reports as compared with the cost under the former contract with the Canada Law Book Company.

The saving to the Law Society for the past five years under its contract with the Canada Law Book Company for the printing and publishing of the Reports has been \$8,825.00, as compared with the expenditure for that work during the preceding five years.

Tenders for the printing of a quinquennial digest, 1900-1905, have been received, which are submitted herewith.

Your Committee recommends the acceptance of the tender of the Canada Law Book Company contract to preserve to the Society the copyright and to expressly provide that members of the profession in Ontario shall be supplied with the Digest at \$2.90 in paper cover, and at \$3.75 bound in half law calf, and to embody such terms and provisions as may be thought necessary to safeguard the interests of the Society, and to be approved of by A. H. Marsh, K.C., who is authorised to act for the Society in the preparation of the contract.

Your Committee begs to report that, in pursuance of the resolution of Convocation of 14th September, 1905, it has temporarily appointed the Editor and present reporting staff from last day of Michaelmas Term, 1905, to last day of Hilary Term, 1906.

Your Committee is of opinion that it would be useful to the profession to have an Appendix to the Revised Statutes of Canada about to be issued, giving a table of the reported decisions of the various Courts in all the Provinces in any way referring to a Statute of Canada, and providing no portion of the expense is to be borne by the Law Society, and that the cost of

the Revised Statutes to the profession be not increased, recommend that the Hon. the Minister of Justice be requested to authorize the preparation and publication of such Appendix.

All of which is respectfully submitted,

C. H. RITCHIE,  
*Chairman.*

8th December, 1905.

Upon reading that paragraph of the report in the words following: "Your Committee after careful consideration does not feel warranted in recommending the adoption of the contract system, and is for many reasons of opinion that the full control of the reporting should be retained by the Society," it was moved by Mr. Thomson, seconded by Mr. Aylesworth, that after the words "contract system" there be inserted the words "as applied to joint publication and reporting."

Upon a division the amendment was declared lost. The paragraph in question was adopted upon the same division.

Upon the next paragraph, namely with reference to the reduction of the Reporting Staff, it was moved by Mr. Strathy, seconded by Mr. Bruce: That that portion of the report relating to the expense of reporting be referred back to the Reporting Committee to ascertain what saving in the amount of the Reporters' salaries could be effected were the Reporters not required to attend in the Courts or report the arguments of counsel.

Moved by Mr. Watson in amendment that the report of the Committee be amended, and that Convocation resolves that an arrangement be made with a member of the profession who will under direction of the Society supply and maintain a proper staff to take charge of and prepare and complete the reports of cases ready for publication.

Objection having been made that the amendment proposed by Mr. Watson to the amendment was inconsistent with the paragraph of the report already adopted against the employment of the contract system, the Treasurer ruled that it was not inconsistent.

On a division the amendment to the amendment was declared lost.

Moved by Mr. Maclellan that the present system of reporting be continued, but subject to the condition that the attendance of the Reporters in Court be dispensed with.

On a division the amendment moved by Mr. Maclellan was declared lost.

Moved by Mr. Thomson: That the attendance of Reporters in Court be dispensed with except in the Court of Appeal.

On a division the motion of Mr. Thomson was declared lost.

The amendment proposed by Mr. Strathy was lost on a division. Mr. Barwick moved: That the report be amended by adding that the attendance of Reporters in Court except in the Court of Appeal and Divisional Courts be dispensed with.

Carried.

It was moved by Mr. Watson in amendment to the paragraph of the report relating to the reduction of the staff: That the number of Reporters be reduced to three instead of five as recommended in the report.

Lost on a division.

It was moved by Mr. Thomson: That the number be reduced to four.

Carried on a division.

The whole of the report to the end of the paragraph closing with the words "seriously impaired" as amended in accordance with the above amendments was adopted; and the words "to four" were substituted for the words "from six to five" where they occur in said paragraph.

Convocation then ordered that leave be given to introduce a rule to amend Rule No. 36 by substituting the word "four" for the word "six" in sub-section 3.

The amending rule was then introduced and read a first and second time and by unanimous consent Rule No. 23 as to stages was suspended, and the amending Rule was read a third time and passed.

It was then moved by Mr. Maclellan: That after the word "four" in the report as it now stands the following words be inserted in the report "That the salary of each Reporter be reduced to \$1,000; that Rule 46 be amended by substituting

\$1,000 for \$1,200 respecting the salary of Reporters, this to take effect when the present tenure of the office of the Reporters expires.

Lost on a division.

The whole of the remainder of the report, to-day presented by the Reporting Committee was adopted.

Mr. Frederick William Lundy was then introduced and called to the Bar.

The letter of Mr. A. H. U. Colquhoun, Secretary of the University of Toronto Commissioners, as follows was read:—

TORONTO, 5th Dec., 1905.

Sir,—

I have the honour to inform you that the Commissioners appointed by His Honour the Lieutenant-Governor to consider and report a plan for the re-organization and government of the University of Toronto have under consideration the question of the expediency of establishing a teaching faculty of law in the University.

I have the honour further to inform you that it has been suggested to the Commissioners that in the event of such a faculty being created the expense of legal education might be lessened and its efficiency promoted by combining the work of the law school of your faculty with that of the Faculty of Law of the University, and that an outline of a plan for carrying out this object has been laid before the Commissioners, a copy of which I have the honour to transmit to you herewith.

I have the honour also to say that the Commissioners will be pleased if your Society will take into consideration the proposed plan and favour them with its opinion as to the practicality and desirability of a combination of the work of the Law School and the suggested Faculty of Law being effected on the lines proposed, and if not whether such a combination, either partial or complete or on any other basis would be acceptable to your Society.

I have the honour also to say that the Commissioners will be glad to receive from your Society any suggestions bearing

upon the general question with which they are charged with the duty of dealing that Convocation may be pleased to make.

I have the honour to be, Sir,

Your obedient servant,

A. H. U. COLQUHOUN.

AEMILIUS IRVING, ESQ.,

Treasurer of the Law Society of Upper Canada.

The copy, enclosed in Mr. Colquhoun's letter, of the outline of proposal, was also read, as follows:—

The Principal and the lecturers of the Law School of Ontario with the title of Professors in the University, and the Professors of Roman Law and Jurisprudence, of Constitutional and International Law and Constitutional History to be constituted the Faculty of Law in the University of Toronto.

The Principal of the Law School to be Dean of the Faculty.

The Principal and Professors in the Law School to be appointed by the Law Society.

Lectures to be delivered in the Law School and the University of Toronto according to the time table to be arranged.

Examiners to be appointed by the University of Toronto, the Examiners in the subjects lectured upon in the Law School to be nominated by the Law Society.

The salaries of the Dean and Professors and Examiners to be borne by the Law Society and University in the following proportions:

(For discussion subsequently.)

The course to be a 4 Years' Course, upon taking of which and passing the examinations the students to be entitled to the Degree of LL.B., and to be called to the Bar and admitted as a solicitor.

Students entitled to be called to the Bar and admitted as solicitors in three years from their admission to the Law Society to be entitled to the Degree LL.B. at end of three years.

Fees: amount to be paid and terms of division to be as arranged.

Whereupon Convocation ordered that the same be taken into consideration on Thursday, the 8th day of February, in Hilary Term, 1906, next after the matter for that day in respect of which there is a Special Call of the Bench.

The letter dated the 4th instant from Mr. C. B. Nasmith, Secretary of the County of York Law Association was read as follows:

HERBERT MACBETH, ESQ.,

Secretary, Law Society of Upper Canada.

DEAR SIR,—

At a meeting of the Trustees of the County of York Law Association held on Friday last, a discussion took place on the advisability of the Association taking steps towards the founding or establishment of some suitable memorial or scholarship to the memory of the late lamented Christopher Robinson, K.C. The Trustees were of the unanimous opinion that the establishment of such memorial was most desirable, but as it was thought possible that the Benchers of the Law Society might have some such plan in mind, no definite steps were taken by the Association towards this end.

I was instructed, however, to write you and ask you to bring the matter before the Benchers of the Law Society at their next meeting, and to further state that the County of York Law Association was willing to co-operate with the Law Society in any scheme which the Benchers may think suitable in furtherance of this object.

Yours truly,  
CHARLES B. NASMITH.

Secretary, County of York Law Association.

The Secretary was ordered to reply, stating that, although bearing in mind the late Mr. Robinson's eminent position at the Bar the deep regard in which he was held in his lifetime, and the universal regret felt at his death, that the Law Society is in no position to expend funds, to mark the loss sustained.

Mr. McPherson, from the Special Committee appointed in relation to the subject of Conveyancing by others than Solicitors presented the following report (No. 11).

To the Benchers in Convocation.

Your Committee beg to report as follows:—

1. That after careful consideration and consultation with Mr. T. H. Lennox, M.P.P. and other prominent members of the Legislature, and in view of certain special circumstances having arisen it was not deemed advisable to have the bill (No. 197) pressed to a division, and Mr. Lennox accordingly withdrew the bill.

2. That the bill be re-introduced at the next session of the Legislature, and that the best efforts of the Law Associations and practitioners in the Province be invited in order to have the Bill enacted.

3. That your Committee be continued with authority to arrange as above reported.

W. D. MCPHERSON.

*Chairman.*

Osgoode Hall, 8th Dec., 1905.

The report was adopted.

The letter, dated the 11th Dec., 1905, of Mr. H. E. Redman, enclosing a copy of a petition which he proposes to present to the Legislative Assembly of Ontario praying for an Act to permit the Law Society of Upper Canada to Call him to the Bar and to admit him as a solicitor, was read.

Ordered that the letter of Mr. Redman, and the copy of his petition be referred to the Committee (on Journals and Printing), with a request to the said Committee to oppose the said petition before the Legislature.

The letter of Mr. George O. McHugh, of Rosthern, advocate, dated 8th November, and asking if his appearance to be examined for Call to the Bar may be postponed until Hilary Term, February, 1906, was read. Ordered that the Secretary do reply stating that Convocation sees no objection to this course.

Convocation then rose.

## LAW SOCIETY OF UPPER CANADA.

## HILARY TERM

Thursday, February 8, 1906.

PRESENT:—The Treasurer and Messrs. Barwick, Bayly, Bruce, Clarke, Gibbons, Glenn, Guthrie, Kerr, Lash, Lynch-Staunton, McPherson, Nesbitt, J. W.; Nesbitt, Wallace; Riddell, Ritchie, Strathy, Thomson, White, Wilson and Latchford.

The minutes of the meeting of Convocation held on the eighth day of December were read and confirmed.

The Acting Secretary reported that Richard T. Walkem, a Bencher, had failed to attend the meetings of the Benchers in Convocation for three consecutive terms. The report was referred to the Committee on Journals and Printing for report to Convocation.

Convocation then, pursuant to the Special Call of the Bench ordered on the eighth day of December last, proceeded to the election of a Bencher in the place of the Honourable James Pitt Mabee, appointed a Judge of the Supreme Court of Judicature for Ontario.

Mr. E. Sydney Smith was elected and was then appointed a member of the following standing committees: Library, Journals and Printing.

Pursuant to the order of Convocation made on the eighth day of December last, Convocation then proceeded to the consideration of the letter from Mr. Colquhoun, Secretary of the Commission appointed to consider and report a plan for the reorganization and government of the University of Toronto.

Moved by Mr. Lash, seconded by Mr. White, that, having considered the communication from the Secretary of the Commission appointed to consider and report a plan for the reorganization and government of the University of Toronto suggesting the establishment of a teaching Faculty of Law in the University in combination with the work of the Law School, Convocation is of opinion that until the said Commission has

reported its proposed plan and until action has been taken thereon by the Legislature, so that Convocation may know how the governing authorities of the University shall be constituted, and the powers of such authorities, the suggestion made by the Commission cannot be properly considered and dealt with.

Carried.

Ordered that the Acting Secretary do communicate the substance of the said resolution of Convocation to the Secretary of the Commission.

The Acting Secretary laid on the table an alphabetical list or register of members of the Bar entitled to vote at the next election of Benchers, pursuant to R.S.O. 1897, ch. 172, sec. 17.

Mr. Barwick gave notice that he would to-morrow move the appointment of Mr. Huson W. Murray as one of the Scrutineers at the next election of Benchers, pursuant to R.S.O. 1897, ch. 172, sec. 6.

Mr. Thomson gave notice that he would to-morrow move the appointment of Mr. James E. Robertson as one of the Scrutineers at the next election of Benchers, pursuant to R.S.O. 1897, ch. 172, sec. 6.

Mr. McPherson gave notice that he would to-morrow move that Mr. C. H. Ritchie be appointed to act for and as the Treasurer, in case he should be absent during the meeting of the Scrutineers to count the votes, pursuant to R.S.O. 1897, ch. 172, sec. 6.

Mr. Bruce, from the Committee on Journals and Printing, reported as follows:—

The Committee on Journals and Printing, to whom was referred the petition of Henry E. Redman to the Legislative Assembly of the Province of Ontario for an Act authorizing the Law Society to admit him to practice as a Barrister and Solicitor, beg to report as follows:—

The Committee decided that a letter should be addressed by the Chairman to the Hon. Chief Justice Falconbridge and the Hon. Chief Justice Mulock in reference to the letters written by them respectively in support of the petition. This was done and a reply was received from each of them, desiring to withdraw the letters written by them, and Mr. Redman has written the Society

withdrawing such letters and intimating that they will not be used before the Legislature, and these letters are given herewith.

Ordered that a Committee composed of Messrs. Bruce, Thomson and Strathy be requested to oppose the petition before the Legislature.

Mr. Lash, from the Legal Education Committee, reported as follows:—

In respect to the third year examination held before Christmas, 1906, upon the subjects of Equity, Evidence, Commercial Law and Construction of Statutes, the report of the examiners shews that the following gentlemen have obtained sufficient marks to be allowed the examination, provided they are in other respects regular for such allowance:—

A. Cohen, H. L. Hoyles and P. Shillington (equal); T. S. McMorran, J. A. McEvoy, T. E. Wilson, W. M. Brandon, J. L. Schelter and W. W. Livingston (equal); G. Mitchell, J. E. L. Goodwill, A. I. Fisher, G. H. Sedgewick, J. C. Moore, C. M. Colquhoun, J. P. McGregor, J. H. Botsford and H. F. Upper (equal); E. R. Read, G. A. Walker, N. R. Webb and W. H. McGuire and H. S. Pritchard (equal); G. N. Gordon, G. H. Gray, J. A. Kinney, W. B. Tilston, C. L. Bray, J. S. Davis, A. E. Honeywell, J. M. Telford, O. D. Peat, R. G. Agnew, W. N. Graham, A. H. Britton, W. H. Warke.

All the above named gentlemen have obtained sufficient marks to be allowed to continue their examination for honours at Easter, provided they are in other respects eligible.

The following gentlemen failed to obtain fifty-five per cent. of the total marks, but they have obtained at least forty per cent. on the aggregate, and twenty-nine per cent. on each subject, and are, therefore, entitled to make up their deficiency at Easter:—

S. P. Biggs, W. G. Falconer, R. A. L. Biggs.

The report was adopted.

In respect to the second year examination held before Christmas, 1905, upon the subjects of Equity, Evidence and Torts, the report of the examiners shews that the following gentlemen have obtained sufficient marks to be allowed the examination, provided they are in other respects regular for such allowance:—

M. B. Peacock, W. H. Gregory, G. Byers, W. F. McRae, A.

Foulds, A. G. Ross, G. D. Kelley, D. Forrester, I. S. Fairty, K. F. Mackenzie, S. Grosch, H. N. Baker and E. A. Wright and H. E. Lyon (equal); J. G. Gibson, H. W. Shapley, G. J. Valin, Harcourt Ferguson, P. J. Montague, H. A. Chadwick, A. A. Fraser, C. Robinson, A. D. Wilson, Alex. Clark, J. J. W. Simpson and H. D. McCormack (equal); M. F. Pumaville, A. W. Bixel, Miss Geraldine Robinson, G. A. Watson, W. C. Greig, T. B. McQuesten and M. Dingwall (equal).

The following gentlemen failed to obtain fifty-five per cent. of the total marks, but they have obtained at least forty per cent. on the aggregate and twenty-nine per cent. on each subject and are therefore entitled to make up their deficiency at Easter:—

E. E. Gallagher, W. E. Lear, H. C. Moore, E. Miall, E. V. O'Sullivan, G. A. Schaef, E. W. Kearney, A. F. Bowlby, S. Watson.

The following gentlemen who competed for honours have obtained sufficient marks to be allowed to proceed with their examination for honours at Easter, provided they are in other respects eligible; no report upon honours can at present be made, as the Honour standing depends upon the joint result at the Christmas and Easter examinations:—

H. N. Baker, G. Byers, I. S. Fairty, D. Forrester, A. Foulds, W. H. Gregory, G. D. Kelley, S. Grosch, J. G. Gibson, H. E. Lyon, P. J. Montague, K. F. Mackenzie, M. B. Peacock, A. G. Ross, J. J. W. Simpson, G. J. Valin, A. D. Wilson, E. A. Wright.

The report was adopted.

Mr. Lash, from the Legal Education Committee, further reported as follows:—

The Legal Education Committee beg to recommend that Rule 39 be amended by inserting immediately before the first proviso, the following paragraph:—

“Provided that should the office of an Examiner become vacant before Michaelmas Term in any year by death, resignation or by action of Convocation, the person to be appointed in his stead may hold office for four years from the Michaelmas Term next succeeding his appointment, unless the pleasure of Convocation be earlier determined.”

Adopted.

Convocation then ordered that leave be given to introduce a Rule to amend Rule 39 by inserting the proviso above recommended.

The amending Rule was then read a first and second time and by unanimous consent Rule 23 as to stages was suspended and the amending Rule was read a third time and passed.

A communication was received from Mrs. Richards, the widow of the late Stephen Richards, offering to the Law Society a portrait of Mr. Richards.

Ordered that Convocation gladly accepts the proffered present, and on receiving it will give due honour to the lamented gentlemen who so long served the profession as a member of the Bench.

Ordered that a Committee, consisting of Messrs. Aylesworth, Ritchie and Lash be appointed to wait upon the Hon. Chief Justice Mulock to ask that he sit for a portrait to be placed in Osgoode Hall in such place as the Society may designate.

Ordered that a Special Call of the Bench be made for Friday, the sixteenth day of February instant, for the appointment of an Editor of the Ontario Law Reports and four Reporters, and of an Examiner in the place of Mr. Woods, resigned.

A petition, signed by the students in the first and second years, was read, praying as follows:—

1. That the action of Convocation in increasing the tuition fees be reconsidered.

2. That it may be ordered that such increase shall not affect those who, at the time, were already admitted as students-at-law, but shall apply only to such persons as may hereafter be admitted.

3. That the petitioners may be admitted to be represented in person before Convocation, or before any Committee to which the consideration of their petition may be referred, for the purpose of presenting any further facts or arguments, other than those presented in the petition, which might be advanced in support thereof.

Ordered that the petition be referred to the Legal Education Committee for consideration and report.

Convocation then rose.

Friday, February 9, 1906.

PRESENT:—The Treasurer and Messrs. Aylesworth, Barwick, Bruce, Hoskin, McPherson, Shepley, White and Wilson.

The minutes of the meeting of Convocation held on the eighth day of February were read and confirmed.

The Treasurer stated that having been informed on December 25th, 1905, that Mr. Herbert Macbeth, the Secretary, had been struck down by reason of weakness of his heart, and having received on December 26th a certificate in writing of that date from A. H. Garratt, Doctor of Medicine, that he was in a very poor condition of health, and advising six weeks' rest, and having received on December 28th, a further certificate from Dr. Garratt that he had had Dr. W. P. Caven to see Mr. Macbeth, and that Dr. Caven agreed that their patient was too ill to attend to his duties, and should take six weeks' rest, and that they agreed in their diagnosis of heart disease, complicated with deranged digestion, both of which would improve with rest and suitable treatment, in view of section 26 of R.S.O. 1897, ch. 172, he, as Treasurer of the Society, in pursuance of the direction contained in the said section, did on December 28th, 1905, appoint William George Eakins, of Osgoode Hall, to act as Secretary.

And further, that in pursuance of Rule 36 of the Law Society, sub-section 8, he required William George Eakins, Librarian of the Law Society, to discharge the duties of Mr. Herbert Macbeth, Secretary of the Society, including all such duties as provided for by Rule 37 of the said Society until further order and direction.

In the unavoidable absence, through illness, of Mr. George H. Watson, Chairman of the Finance Committee, the Treasurer reported that on December 28th, 1905, the Finance Committee had given written authority to William George Eakins, of Osgoode Hall, in his name as Acting Secretary of the Law Society of Upper Canada, during the illness of Herbert Macbeth, Secretary of the said Society, and until further order, to counter-sign cheques of the Law Society of Upper Canada drawn upon the Bank of Hamilton at Toronto, and when necessary as such Acting Secretary to endorse cheques, drafts and post-office orders, and give proper receipts therefor for the Law Society of Upper

Canada for the purpose of deposit of such cheques and drafts and proceeds of post-office orders to the credit of the said Society in the said Bank of Hamilton at Toronto.

The correspondence above referred to and copies of the appointments were filed.

The action of the Finance Committee was approved by Convocation.

Dr. Hoskin, from the Discipline Committee, presented a report upon the complaint of Messrs. Boisseau & Co. against Messrs. M. & N., solicitors, finding that no *primâ facie* case had been shewn against the said solicitors. Upon motion the report was adopted.

Dr. Hoskin, from the Discipline Committee, presented a report of Cole against O. P., a solicitor, finding a *primâ facie* case of professional misconduct was shewn. Upon motion the report was adopted, and the matter referred to the Discipline Committee for investigation and report.

Dr. Hoskin, from the Discipline Committee, presented a report shewing that R. S., a member of this Society, had been convicted of felony and sentenced to the Central Prison for eighteen months, and found that a *primâ facie* case of professional misconduct and conduct unbecoming a barrister and solicitor had been made out. Upon motion the report was adopted, and the matter was referred to the Discipline Committee.

Dr. Hoskin, from the Discipline Committee, reported that upon the complaint of Mr. John A. McInnes, a member of the Law Society of Upper Canada, it was shewn that a person named T. U., not a member of the Law Society, had styled himself in correspondence a barrister and solicitor, evidently for the purpose of intimidating the person to whom it was addressed, and recommended that the matter be referred to Mr. Marsh, K.C., to ascertain what steps should be taken against the said T. U. for so styling himself. Upon motion the report was adopted.

In the matter of the complaint of Mr. Poussette, a member of the Law Society, against Mr. V. W., Dr. Hoskin presented a report of the Discipline Committee finding that a *primâ facie* case of professional misconduct had not been shewn. Upon motion, the report was adopted.

Dr. Hoskin, from the Discipline Committee, presented a report shewing that a case of professional misconduct had been shewn against X. Y., and recommended that the matter be investigated in the usual way. Upon motion the report was adopted and the matter was referred to the Discipline Committee for investigation.

In the matters of J. D. and G. S., Dr. Hoskin reported that these are matters in which the parties have their remedy in the Courts, and recommended that they be written to to that effect.

Mr. Bruce, from the Committee on Journals and Printing, reported that the Committee had examined the records and minutes of the Society, and find that Richard T. Walkem, a Bencher of the Society, failed to attend any meetings of the Benchers for the three consecutive terms, namely, Easter, Trinity and Michaelmas in the year 1905, and that he also failed to attend the meeting of the Benchers held on 27th June, 1905, and the seat of the said Richard T. Walkem as a Bencher had become vacant under the provisions of the Act, R.S.O., ch. 172, sec. 28.

The report was received and it was ordered that Mr. Walkem be informed of it and that Convocation would take the same into consideration on Friday, the 16th day of February, next.

Mr. McPherson, from the Special Committee on Unlicensed Conveyancers, reported as follows:—

That at a meeting of the Committee held on the 26th day of January, 1906, it was decided to communicate with each Law Association in regard to the passage of a Bill on the subject of Conveyancing at the next ensuing Session of the Legislative Assembly and also with each Bencher and accordingly a letter in the form hereto attached was sent to each Bencher and to the President and Secretary of each Law Association in the Province.

Your Committee have considered the draft Bill and recommended that the Bill to be presented to the Legislature shall be according to the form hereto annexed with the amendments thereon indicated.

Your Committee have likewise appointed a sub-committee consisting of the undersigned and Messrs. Barwick, Strathy, Mc-

Kay, Lynch-Staunton, Glenn, White and Watson to take charge of the Bill before the Legislature.

(Sgd.) W. David McPherson.

Osgoode Hall, 9th February, 1906.

The report was adopted.

On motion, in accordance with notice given, Mr. Huson W. M. Murray and Mr. James E. Robertson were appointed to act with the Treasurer as the scrutineers at the coming election of Benchers, pursuant to R.S.O. 1897, ch. 172, sec. 6, and Mr. C. H. Ritchie was appointed to act for and as the Treasurer, in case he should be absent during the meeting of the scrutineers to count the votes, pursuant to the same statute.

A letter dated February 8th, 1906, was read from Mr. C. B. Nasmith, Secretary of the County of York Law Association enclosing a copy of a resolution passed at the annual general meeting of the Association held on Monday, January 29th, 1906, as follows:—

“The members of this Association are desirous that a set of Law Reports for the Province of Ontario should be presented to the Royal Colonial Institute, as it appears that nearly all the Colonies of the British Empire and also the Dominion of Canada have presented copies of their Reports to the Institute, the understanding being that all members of the Bar of the Province of Ontario shall have free use of the library of the Institute at any time.

“As this library is said to be the most complete library in London, not only of Colonial Reports, but on colonial subjects in general, and is most conveniently situated, this Association would respectfully request the Benchers of the Law Society to make the requisite grant.”

Ordered that the request of the Association be referred to the Library Committee for consideration and report.

Mr. Aylesworth laid before Convocation a letter addressed to him by Messrs. Blake & Redden, 17 Victoria St., London, S.W., dated January 27th, 1906, suggesting a grant by Convocation for the purchase of additional Canadian and English works for the Canadian Law Library located at the above address.

Ordered that the matter be referred to the Library Committee for consideration and report.

Mr. Shepley gave notice that at the next meeting of Convocation he would move that Convocation declare its policy in respect of calling to the Bar of this Province members of the Bars of other Provinces who occupy the office of Solicitor-General for the Dominion of Canada.

Convocation then rose.

Friday, February 16, 1906.

PRESENT: The Treasurer, the Attorney-General and Messrs. Aylesworth, Barwick, Bayly, Bruce, Clarke, Gibson, Glenn, Guthrie, Hogg, Latchford, Lash, McKay, McPherson, Riddell, Ritchie, Smith, Strathy, Thomson, Watson and White.

The minutes of the meeting of Convocation held on the ninth day of February were read and confirmed.

The Attorney-General expressed his desire to resign his seat in Convocation as an elected Benchler.

Convocation accepted the resignation of Mr. Foy's seat as an elected Benchler.

Mr. Lash, from the Legal Education Committee, reported a list of thirteen applicants for the position of Examiner for the Law School, all of them eligible.

Convocation then in pursuance of notice given by Special Call of the Bench for this day proceeded to the appointment of an Examiner for the Law School in pursuance of Rule 39, as amended, and on ballot Mr. C. B. Nasmith was declared elected and was appointed Examiner.

Mr. Ritchie, from the Reporting Committee, reported that one application had been received for the position of Editor of the Law Reports, and that seven applications had been received for the position of Reporter, all of the latter being eligible but one.

Convocation then, in pursuance of notice given by Special Call of the Bench for this day, proceeded to the appointment of an Editor and four Reporters, pursuant to Rule, for three years terminating with the last day of Hilary Term, 1909.

On motion of Mr. Ritchie, seconded by Mr. Strathy, Mr. J. F. Smith was appointed Editor of the Law Reports.

On ballot the following gentlemen were elected and were appointed Reporters:—

Messrs. E. B. Brown, A. H. F. Lefroy, G. F. Harman and George A. Boomer.

Mr. Bruce, from the Committee on Journals and Printing, moved the adoption of the Committee's report, presented on the 9th instant, that the seat of Richard T. Walkem, a Bencher, had become vacant under the provisions of the Act, R.S.O. ch. 172, sec. 28.

The Acting Secretary read a letter from Mr. Walkem dated February 10th, 1906, accompanied by a medical certificate, explaining that his absence from the meetings of Convocation had been caused by ill-health and consequent absence from the country.

The report was adopted.

Mr. Watson, from the Finance Committee, presented the annual statement of the receipts and expenditure of the Law Society for the year ending 31st December, 1905, pursuant to R.S.O. ch. 172, sec. 53.

Ordered that the statement be printed and distributed to the profession in the ordinary course.

Mr. Watson, from the Finance Committee, presented a draft estimate of the receipts and expenditure for 1906.

Convocation approved the estimate and ordered that the same be entered in the minutes.

Mr. Aylesworth, from the Library Committee, presented the report of the Librarian for the year 1905, with the recommendation that the report be printed and distributed with the next number of the current reports.

The report was received and taken into consideration and adopted, and it was ordered that it be printed and distributed, as recommended.

The Acting Secretary read letters from Mr. Ritchie and Messrs. Murray and Robertson assenting to their appointments in connection with the coming election of Benchers.

A letter was read from Mr. George O. McHugh, dated February 15th, 1906, asking that his appearance for examination for call to the Bar be deferred until Easter Term next.

Ordered accordingly.

Mr. Thomson, for Mr. Ritchie, Chairman of the Reporting Committee, moved that the Reporting Committee be authorized to arrange with Mr. Cassels and Mr. Rolph for the completion of the Reports of unpublished cases in which they had heard arguments, and to agree upon the amounts to be paid for such services.

Lest on a division.

Letters were read from Mr. John O'Meara, Barrister and Solicitor, Ottawa, complaining that Mr. M., though, as he understood, disqualified from so doing, continued to act as both Barrister and Solicitor.

Ordered that the complaint be referred to the Discipline Committee for enquiry and report.

Convocation, then rose.

Proceedings of the  
LAW SOCIETY OF UPPER CANADA.

STATEMENT OF  
RECEIPTS AND EXPENDITURE

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31st OF DECEMBER, 1905.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1904.

RECEIPTS.

1904		1905
	Solicitors' Certificates :	
\$ 3,300 00	Paid after the beginning of the year, but payable the Michaelmas previous.....	\$ 3,135 00
432 00	Fines Collected .....	258 00
451 00	Fees and fines in arrear prior to the preceding Michaelmas .....	414 08
21,810 00	Payable in Michaelmas of the current year.	21,795 00
<u>\$25,993 00</u>		<u>\$25,602 08</u>
	Barristers' Annual Fees :	
440 00	Paid after the beginning of the year, but payable the Michaelmas previous .....	452 00
116 00	In arrear prior to the Michaelmas of the preceding year.....	168 00
2,878 00	Payable in Michaelmas of the current year.	2,868 00
<u>3,434 00</u>		<u>3,488 00</u>
93 00	Notice Fees.....	100 00
2,600 00	Students' Admission Fees.....	2,650 00
58 00	Fees on Petitions and Diplomas.....	55 00
6,570 00	Law School Tuition Fees .....	6,370 00
2,620 00	Solicitors' Examination Fees.....	2,745 00
	Call Fees under 57 Vict. cap. 44 and other Cases .....	\$ 500 00
800 00	Call Fees in Ordinary Cases.....	4,455 00
<u>4,340 00</u>		<u>4,455 00</u>
\$ 5,140 00		\$ 4,955 00
\$46,598 00	Carried forward .....	\$45,965 08

## LAW SOCIETY OF UPPER CANADA.

1904		1905
\$46,508 00	Brought forward.....	\$45,965 08
	County Library Loans returned :—	
30 00	Essex .....	30 00
52 50	Leeds.....	52 50
18 00	Grey.....	18 00
32 50	Perth.....	32 50
50 00	Lindsay .....	50 00
15 00	Hastings.....	15 00
30 00	Stormont .....	30 00
228 00		228 00
58 16	Commission on Telegraph Messages.....	39 82
2,507 14	Interest and Dividends.....	2,345 53
50	Fines in respect of Students' Lending Library.....	40
175 00	Grant from Ontario Government in aid of Telegraph and Telephone Service.....	175 00
18 00	Subscriptions for Statutes for 1904.....	
686 00	“ “ “ 1905.....	
704 00	“ “ “ 1906.....	766 00
	Subscriptions for Supreme Court Reports.....	3 75
<u>\$50,180 80</u>	Grand Total.....	<u>\$49,523 58</u>

## EXPENDITURE.

	REPORTS—	
2,674 36	Printing Reports.....	3,717 06
	Salaries :—	
2,000 00	Editor.....	2,000 00
1,200 00	Reporter, Q.B.D.....	1,200 00
1,200 00	“ C.P.D.....	1,200 00
1,200 00	“ Chy. D.....	1,200 00
1,200 00	“ “.....	1,200 00
1,200 00	“ Court of Appeal.....	1,200 00
1,200 00	“ Practice Cases.....	1,200 00
9,200 00		9,200 00
<u>\$11,874 36</u>		<u>\$12,917 06</u>
	COST OF CONSOLIDATED DIGEST :—	
2 85	Stationery, Material and Advertising.....	
5,000 00	Final Payment to Editor-in-chief under contract.....	
5,002 85		
	LAW SCHOOL :—	
	Salaries :—	
5,000 00	Principal .....	5,000 00
6,000 00	Four Lecturers at \$1,500 each.....	6,000 00
1,650 00	Salaries of Examiners.....	1,650 00
182 50	Scrutineers at Examinations .....	200 00
258 16	Printing and Stationery .....	232 10
764 86	Scholarships and Medals.....	760 13
990 54	Caretaking, Light, Heating, Furniture and Maintenance .....	809 89
<u>\$14,846 06</u>		<u>\$14,652 12</u>
\$31,723 27	Carried forward.....	\$27,569 18

## LAW SOCIETY OF UPPER CANADA.

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1904			1905
\$31,723 27	Brought forward.....		\$27,569 18
	LIBRARY :—		
3,462 57	Books purchased.....	3,521 84	
524 79	Binding.....	855 34	
238 80	Maintenance including Stationery.....	258 55	
<u>4,226 16</u>		<u>4,635 73</u>	
	Salaries :—		
1,800 00	Librarian.....	1,800 00	
1,000 00	Ass't. Librarian.....	1,000 00	
	Attendance during even-		
	ings.....	181 50	
2,983 75		<u>2,981 50</u>	
<u>7,209 91</u>		<u>7,617 23</u>	
	LAW COSTS :—		
100 00	Solicitor's Allowance.....	100 00	
172 38	Taxed Costs and Counsel Fees.....	134 66	
<u>272 38</u>		<u>234 66</u>	
756 36	TELEGRAPH AND TELEPHONE OFFICE.....		765 20
	LIGHT, HEATING, WATER, GROUNDS AND IN-		
	SURANCE :—		
	Payment to Ontario Government for		
890 00	Steam Heating.....	890 00	
602 28	Lighting.....	620 40	
134 03	Heating.....	62 71	
187 54	Water.....	179 32	
1,158 34	Grounds.....	1,003 38	
	Insurance on all property at Osgoode Hall		
	for three years.....		
7 50	Insurance on Books at Bindery.....	7 50	
8 00	Rent for Safe Deposit Drawer for Invent-		
	ories.....	8 00	
<u>\$ 2,987 69</u>		<u>\$ 2,771 31</u>	
431 91	ADDITIONS, ALTERATIONS, REPAIRS AND FURNI-		
	TURE.....		132 86
432 50	RENOVATION OF IRON FENCE.....		
	COUNTY LIBRARIES AID :—		
	<i>Annual Grants.</i>		
\$ 239 00	Brant.....	\$ 229 00	
70 67	Bruce.....	116 77	
555 00	Carleton.....	550 00	
150 00	Elgin.....	237 00	
156 67	Essex.....	158 43	
160 00	Frontenac.....	165 00	
120 00	Grey.....	106 67	
535 00	Hamilton.....	542 50	
109 67	Hastings.....	116 67	
<u>\$43,814 02</u>		<u>\$ 2,222 04</u>	
\$2,096 01	Carried forward.....	\$ 2,222 04	\$39,090 44

1904		1905
\$43,814 02	\$2,096 01 Expenditure—Brought forward . . . . .	\$2,222 04 \$39,090 44
213 34	Huron . . . . .	218 33
145 00	Kent . . . . .	145 00
188 67	Leeds . . . . .	178 67
182 50	Lindsay . . . . .	182 50
482 50	Middlesex . . . . .	482 50
45 00	Norfolk . . . . .	35 00
53 85	Ontario . . . . .	85 67
346 25	Oxford (for four years) . . . . .	
123 33	Perth . . . . .	115 25
163 00	Peterborough . . . . .	172 00
	Rainy River . . . . .	
118 67	Simcoe . . . . .	115 67
113 33	Stormont . . . . .	113 33
140 00	Waterloo . . . . .	310 00
39 50	Welland . . . . .	135 00
185 00	Wellington . . . . .	
800 00	York . . . . .	800 00
5,435 95		\$5,310 96
200 00	Payment to Inspector for 1904 . . . . .	
	“ “ “ 1905 . . . . .	200 00
	LOANS :—	
335 00	Oxford . . . . .	
440 00	INITIATORY GRANT—Lambton . . . . .	60 00
\$6,410 95		\$5,570 96
	SECRETARIAT AND CARETAKING :—	
1,500 00	Secretary's Salary . . . . .	1,500 00
100 00	Auditor's Fee . . . . .	100 00
660 00	Caretaker's Wages . . . . .	660 00
118 07	General Expenses and Housecleaning . . . . .	167 47
\$2,378 07		2,427 47
216 55	PRINTING, ADVERTISING AND STATIONERY.	214 11
	SUPREME COURT REPORTS :—	
	Subscription to Vol. 35, as per contract with the Government . . . . .	\$1,987 50
1,997 50	Subscription to Vol. 36, as per contract with the Government . . . . .	2,006 25
		\$3,993 75
	STATUTES :—	
599 97	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society . . . . .	857 82
14 90	COMMITTEE ON UNLICENSED CONVEYANCERS . . . . .	7 50
\$55,431 96	Carried forward . . . . .	\$52,162 05

LAW SOCIETY OF UPPER CANADA.

v

1904		1905
\$55,431 96	Expenditure—Brought forward..	\$52,162 05
1904	MISCELLANEOUS :—	1905
100 00	Portraits.....	
357 05	Term Lunches.....	305 20
250 00	Grant to Widow of the late Secretary....	250 00
91 53	Postage.....	37 87
2 66	Telegrams.....	
3 00	Rent of Box in Safe Deposit Vaults.....	3 00
18 00	Ice for the year.....	18 00
5 00	Miscellaneous.....	3 85
2 79	Express and Freight Charges.....	
10 00	Grant in aid of Circuit Guide.....	10 00
840 03		627 92
		<u>52,789 97</u>
<u>\$56,271 99</u>		

Audited and found correct.

W. H. CROSS, Auditor.

TORONTO, 15th January, 1906.







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LAW SOCIETY OF UPPER CANADA.

*To the Benchers in Convocation assembled.*

The Library Committee beg leave to report as follows:

Your Committee submit herewith the Librarian's report for the year 1905, and recommend that the said report be printed and distributed with the next number of the current reports.

A. B. AYLESWORTH,  
*Chairman.*

February 16th, 1906.

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The Library, Osgoode Hall,  
Toronto, January 30th, 1906.

To the Chairman and Members of the Library Committee  
of the Law Society of Upper Canada.

The Librarian begs to submit his report for the year  
1905, as follows:

The total expenditure in connection with the Library  
during the year was \$7,617.23, disbursed as follows:

Books and periodicals . . . . .	\$3,612.93
Binding . . . . .	471.35
Re-binding, repairs, etc. . . . .	292.90
Stationery and Sundries . . . . .	258.55
Salaries . . . . .	2,981.50
	<hr/>
	\$7,617.23
	<hr/>

An estimate of the expenditure for the current year  
accompanies this report. Owing to the pressure of other  
duties, arising from the illness of the Secretary, the  
Librarian has been unable to prepare the statistical and  
other information which usually accompanies his annual  
report.

The number of bound volumes added to the library  
during the year was 931, of which 530 were purchased,  
288 were taken in as periodicals and subsequently bound,  
and 113 were presented. The bound volumes in the  
library now number 35,803.

The evening attendance in the library was exactly  
the same as in the previous year. The library was open  
on 242 evenings and the attendance was as follows:

	Total.	Average.
Barristers . . . . .	932	3.85
Students. . . . .	1,052	4.30
	<hr/>	<hr/>
	1,984	8.15

In 1904 the total attendance for 244 evenings was 1984, made up of 949 barristers and 1,037 students.

All of which is respectfully submitted,

W. GEO. EAKINS.  
*Librarian.*

#### EXPENDITURE, 1905.

Books, periodicals, etc.:

Books and pamphlets . . . . .	\$2,785.84	
Periodicals . . . . .	736.00	
Stamping . . . . .	33.40	
Freight, brokerage, etc. . . . .	57.69	
		<hr/>
		\$3,612.93
Binding . . . . .	471.35	
Re-binding, repairs, etc. . . . .	292.90	
Stationery and sundries . . . . .	258.55	
Salaries. . . . .	2,981.50	
		<hr/>
		\$7,617.23
		<hr/>

#### ESTIMATED EXPENDITURE, 1906.

Books, periodicals, etc.:

Books and pamphlets . . . . .	\$3,750.00	
Periodicals . . . . .	650.00	
Stamping . . . . .	50.00	
Freight, brokerage, etc . . . . .	75.00	
		<hr/>
		\$4,525.00
Binding. . . . .	450.00	
Re-binding, repairs, etc. . . . .	300.00	
Stationery and sundries . . . . .	250.00	
Salaries . . . . .	2,975.00	
		<hr/>
		\$8,500.00
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## LAW SOCIETY OF UPPER CANADA.

EASTER TERM, 1906.

FRIDAY, May 25th.

Thursday the 24th day of May being the standing Convocation day of the first week of this Term and a holiday, Convocation met pursuant to Rule 12 on this day, Friday, 25th May.

Present:—The Treasurer and Messrs. Aylesworth, Barwick, Bicknell, Bruce, Farewell, Gibbons, Glenn, Guthrie, Hoskin, Lynch-Staunton, McKay, McMaster, McPherson, Nesbitt, Northrup, Ritchie, Shepley, Smith, Strathy, Watson, and White.

On motion of Dr. Hoskin, seconded by Mr. Guthrie, Mr. Irving was appointed Chairman.

Mr. W. Geo. Eakins, as Secretary in pursuance of R.S.O. 1897, chapter 172, section 26, then read the report of the Scrutineers on the result of the Election of Benchers for the five years commencing from this date as follows:—

Osgoode Hall, April 13th, 1906.

We the Scrutineers appointed by the Law Society of Upper Canada in Hilary Term, 1906, to act at the Election of Benchers of the Law Society of Upper Canada under the Act in that behalf for the next five years do find and report that the following thirty persons received the highest number of votes at the said election, and are entitled to be declared duly elected as Benchers of the said Society for the period of five years from and after the first day of Easter Term now next ensuing, that is to say:—

1. H. H. Strathy; 2. G. F. Shepley; 3. Matthew Wilson;
4. A. B. Aylesworth; 5. G. Lynch-Staunton; 6. A. H. Clarke;
7. C. H. Ritchie; 8. D. B. Maclennan; 9. J. M. Glenn; 10. Donald Guthrie;
11. G. C. Gibbons; 12. F. H. Chrysler; 13. S. G. McKay;
14. Alexr. Bruce; 15. John Hoskin; 16. W. Kerr;
17. W. R. White; 18. Walter Barwick; 19. E. Sydney Smith;
20. W. D. Hogg; 21. W. R. Riddell; 22. W. D. McPherson;
23. James Bicknell; 24. G. H. Watson; 25. W. B. North-

rup; 26. R. M. Dennistoun; 27. Z. A. Lash; 28. A. C. McMaster; 29. J. W. Nesbitt; 30. J. E. Farewell.

(Sgd.) ÆMILIUS IRVING.

(Sgd.) HUSON MURRAY.

(Sgd.) J. E. ROBERTSON.

I here declare the above named persons numbered from one to thirty inclusive to be duly elected Benchers of the Law Society of Upper Canada for five years from the first day of Easter Term, 1906.

OSGOODE HALL, April 13th, 1906.

(Sgd.) W. GEO. EAKINS,

*Secretary,*

*Appointed under R.S.O. 1897, chapter 172, section 26.*

The Ontario Gazette, of Saturday, 21st April, and Saturday, 28th April, 1906, containing copies of the report were produced. The report was ordered to be fyled. Mr. Secretary Eakins then withdrew.

It was then moved by Dr. Hoskin, seconded by Mr. Guthrie that Mr. Æmilius Irving be elected Treasurer for the ensuing year.

Carried.

The Treasurer took the chair as before.

The Treasurer then stated that the Secretary, Mr. Herbert Macbeth, had resumed the general duties of his office on 19th March last, his medical advisers, Doctors Garratt and Caven, having certified his ability to do so.

The reports of the Discipline Committee made since the last meeting of Convocation were then laid on the table.

Ordered that the following gentlemen be a Committee to strike the standing Committees for the ensuing year:—Messrs. Hoskin, Aylesworth, Lash, Ritchie, Bruce, Strathy, and Watson. Dr. Hoskin from the said Committee reported the following members of Convocation to compose the Standing Committees for the ensuing year:—

*Finance.*—Messrs. A. B. Aylesworth, Walter Barwick, A. Bruce, A. H. Clarke, G. C. Gibbons, John Hoskin, A. C. Mc-

Master, W. D. McPherson, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Reporting.*—Messrs. Walter Barwick, J. Bicknell, R. M. Dennistoun, D. Guthrie, W. D. Hogg, Z. A. Lash, G. Lynch-Staunton, S. G. McKay, W. D. McPherson, J. W. Nesbitt, C. H. Ritchie, G. F. Shepley, G. H. Watson, M. Wilson.

*Library.*—Messrs. A. B. Aylesworth, S. H. Blake, R. M. Dennistoun, J. M. Glenn, G. Lynch-Staunton, D. B. MacLennan, W. B. Northrup, W. R. Riddell, C. H. Ritchie, G. F. Shepley, E. Sydney Smith, M. Wilson.

*County Libraries.*—Messrs. A. Bruce, F. H. Chrysler, J. E. Farewell, G. C. Gibbons, J. M. Glenn, D. Guthrie, W. Kerr, S. G. McKay, J. W. Nesbitt, W. B. Northrup, H. H. Strathy, M. Wilson.

*Legal Education.*—Messrs. Walter Barwick, J. Bicknell, J. E. Farewell, J. M. Glenn, D. Guthrie, John Hoskin, Z. A. Lash, G. Lynch-Staunton, A. C. McMaster, W. D. McPherson, W. R. Riddell, C. H. Ritchie, H. H. Strathy, G. H. Watson.

*Discipline.*—Messrs. Walter Barwick, A. Bruce, J. E. Farewell, J. J. Foy, W. D. Hogg, John Hoskin, W. Kerr, S. G. McKay, W. D. McPherson, W. B. Northrup, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Journals and Printing.*—Messrs. J. Bicknell, A. Bruce, F. H. Chrysler, A. H. Clarke, R. M. Dennistoun, G. C. Gibbons, J. M. Glenn, W. Kerr, D. B. MacLennan, A. C. McMaster, E. Sydney Smith, W. R. White.

Mr. W. H. Cross was elected auditor for the ensuing year.

Ordered upon a report of the Discipline Committee in the matter of the complaint of Mr. E. B. Edwards against Mr. A. P. Pousette that Mr. Pousette having made an ample and satisfactory apology to Mr. Edwards, Mr. Edwards be granted permission to withdraw his complaint.

Ordered upon a report of the Discipline Committee in the matter of the complaint of Mr. N. Gurd against Mr. C. that the latter be notified to attend the proceedings of Convocation on Friday, the 8th day of June, to shew cause why his name should not be struck off the Roll of Solicitors.

The report of the Discipline Committee upon the complaint of Mr. John Macinnes against one P. J. Wilkie, who styles himself a barrister and solicitor, although not such, was presented, accompanied by the opinion of Mr. Marsh, K.C., concluding with the statement that as a result of his investigation he had been unable to discover any remedy which is open to the Law Society in connection with this complaint. The report was adopted.

Dr. Hoskin from the Discipline Committee reported upon the matter of the complaint of Mr. A., barrister and solicitor against Mr. R., barrister and solicitor to wit, that a gentleman who is not a solicitor, hereinafter described as W., did take instructions from an executor to take all necessary steps to obtain probate of a will and that such unprofessional person did prepare the papers in accordance with the rules and practice of the Surrogate Court for the aforesaid purpose, and that Mr. B. who is a practising solicitor affixed his name as solicitor for the purpose of enabling such unprofessional person W. as aforesaid to obtain probate from the Surrogate Court and probate thereupon was granted; that the Committee had, as directed by Convocation, proceeded with the investigation of the said complaint and that the complainant and Mr. B. had attended the investigation, Mr. Hamilton Cassels appearing on behalf of the Law Society; that the Committee report that sec. 1 of the Act respecting Solicitors R.S.O. 174, enacts that no person shall act as solicitor in any Court of civil or criminal jurisdiction or carry on any proceeding in the name of any other person or in his own name and Rule 46 of the Surrogate Court Rules provides that in no case where the estate exceeds in value the sum of \$400 (as in the present case) shall any person prepare the papers for grant of probate or administration other than the applicant or his solicitor either directly or indirectly nor shall any person other than the solicitor be permitted to practise in the Surrogate Court, and Rule 5 provides that every application for probate or administration must be by petition prepared, signed and presented by the applicant or his solicitor; and the Committee find that one W. in the complaint named is not a solicitor, that the petition for probate and other papers leading

to probate of the will mentioned in the complaint were prepared by the said W. (the written parts being in his handwriting), that the petition was signed by the executors and all the papers were then handed by W. to Mr. B. who affixed his name thereto as solicitor for the applicants and thereupon returned them to the said W. who forwarded them to the clerk of the Surrogate Court who, when probate was prepared, forwarded the same to the said W.; that Mr. B. received from W. the tariff fees for obtaining probate and for revising affidavits and papers relating to succession duty; that the petition and papers for grant of probate were not prepared or presented by the applicants, or their solicitor, and in that respect Mr. B. has contravened the provisions of the Act and Rules above set out.

Ordered that the report be adopted (See proceedings taken next day).

Dr. Hoskin then moved that the report of the Discipline Committee of the 2nd March, 1906, in the matter of Thomas Hiram Lloyd, which had been laid upon the table this day, be taken into consideration.

The report was then read as follows:—

The Discipline Committee to whom was referred for investigation by the Benchers the matter referred to in the report of the said Committee, of date the 9th day of February, 1906, beg to report as follows:—

1. That they engaged the professional services of Mr. Marsh, K.C., as counsel in the said matter so remitted to the said Discipline Committee by the Benchers for investigation.

2. As mentioned in the said report of the 9th day of February last past, the said Thomas Hiram Lloyd was committed of an indictable offence and sentenced to the Central Prison for eighteen months.

3. Your Committee instructed Mr. Marsh to serve upon the said Thomas Hiram Lloyd a notice appointing a time and place to proceed with the said investigation.

(Copy of notice of investigation for Friday, 2nd March, 1906, at 10 a.m.—set out.)

4. As appears by the affidavit of Walter Stewart, a Sheriff's officer the said Thomas Hiram Lloyd was served with the said

notice and with a copy of the said report on the 14th day of February last.

5. On this 2nd day of March, 1906, your said Committee met in the Convocation Room, at Osgoode Hall, at the hour in the said notice named, to proceed with the said investigation when Mr. Marsh, K.C., appeared as Counsel for the Law Society, but no one appeared for the said Mr. Thomas Hiram Lloyd.

6. On the said investigation evidence was adduced shewing that the said Thomas Hiram Lloyd as set out in the said report of the 9th day of February, 1906, was convicted of an indictable offence as aforesaid and sentenced to the Central Prison for the period of eighteen months, having been convicted on three different charges, and the records of the said three convictions are as follows:—

(The three several convictions duly certified by the Clerk of the Peace for the County of York are set out.)

7. Your Committee find that the said Thomas Hiram Lloyd has been guilty of professional misconduct and conduct unbecoming a barrister and solicitor, and they recommend that he be disbarred and that his name be removed from the Roll of Solicitors.

It was then moved that the said report be adopted, twelve Benchers being then present in Convocation and concurring in the adoption of the said report.

Carried unanimously.

It was then moved by Dr. Hoskin, seconded by Mr. Farewell:

That whereas in the matter of Thomas Hiram Lloyd of the Town of Newmarket in the County of York a member of the Law Society of Upper Canada, who is a barrister and solicitor, the Discipline Committee by a report dated the 9th day of February, 1906, found that the said Lloyd on the 5th day of December, 1905, had been convicted of an indictable offence and sentenced to imprisonment for a period of eighteen months, and that he thereby had been guilty of professional misconduct and conduct unbecoming a barrister and solicitor, which report was adopted by Convocation, and thereupon the above matter was by Convocation remitted to the said Committee for further investigation;

2. And whereas the said Committee appointed a day and place for proceeding with the said investigation, of which due notice was served upon the said Lloyd.

3. And whereas the said Committee on the day so appointed proceeded with the said investigation and by their report made in the said matter and dated the 2<sup>nd</sup> day of March, 1906, and laid before Convocation and duly filed of record, found that the said Lloyd had been guilty of professional misconduct and conduct unbecoming a barrister and solicitor in respect of the matters in the said report set forth and recommended that he be disbarred and that his name be removed from the Roll of Solicitors, which report, on this 25<sup>th</sup> day of May, 1906, was approved by Convocation;

That the said Thomas Hiram Lloyd be disbarred;

And further that Convocation is of opinion that the said Thomas Hiram Lloyd is unworthy to practise as a Solicitor;

That Notice that the said Thomas Hiram Lloyd has been disbarred and that he is unworthy to practise as a solicitor and a copy of this resolution be forthwith given by the Secretary of the Law Society to the High Court.

Which resolution so moved by Dr. Hoskin and seconded by Mr. Farewell was then adopted thirteen members of Convocation then being present and voting unanimously for the adoption of the said resolution, namely Messrs. Barwick, Watson, Bruce, McPherson, Aylesworth, Shepley, Farewell, Hoskin, Smith, McMaster, McKay, Strathy, and Irving.

It was then ordered that the Secretary in pursuance of R.S. O. 1897, chapter 172, section 45, give notice to the High Court that the said Thomas Hiram Lloyd has been disbarred, and that the Secretary do forthwith communicate to the High Court a copy of the foregoing resolution in pursuance of R.S.O. 1897, chapter 172, section 46.

Mr. Bruce from the Committee on Journals presented the following report:—The Committee appointed to oppose the three bills promoted by Henry E. Redman, George M. Gardner and William W. Pope to authorize the Law Society to admit the said Henry E. Redman and William W. Pope to practise as barristers and solicitors, and the said George M. Gardner to practise

as a barrister appeared along with the Treasurer before the Private Bills Committee when the respective Bills came up and urged objections against the passing of the Bills, but the Committee over-ruled these objections and reported the Bills in each case, and the three Bills have since passed the Legislative Assembly and received the Royal Assent.

The Committee believe that the action of the Private Bills Committee in reporting these three bills was largely due to what took place in the case of similar Bills at the preceding session of the Legislature and have grounds for hoping that any further applications will be differently dealt with.

There was read a resolution passed by the Trustees of the County of York Law Association representing to the Law Society that the examinations prescribed for admission to the Bar or to practise as Solicitors should be the usual final examination and to be passed at the usual time or times.

Ordered that the cases of the gentlemen who have obtained Acts of the Legislature authorizing their admission be referred to the Legal Education Committee for consideration and report as to the examination to be required of candidates in such and like cases.

The letter dated 21st May from Messrs. Barwick, Aylesworth, Wright and Moss, was read stating that they had been instructed by the Judge of the Surrogate Court to notify the Law Society of the hearing on the 25th instant of a petition presented by the Toronto General Trusts Corporation setting forth a will of the late Sir Adam Wilson, dated Sept. 15th, 1891, and also setting forth facts pointing to the belief that a still later will was made by Sir Adam Wilson.

The letter of Mr. F. W. Munro, stating that he had been admitted to practise in Ontario and had subsequently become a citizen of the United States of America, and enquiring whether under the circumstances Convocation would interpose any objection to issuing his certificates was read. The Secretary was directed to reply that Convocation declines to authorize the issue of certificates to enable him to practise law in this Province.

The letter of Mr. W. W. Warke was read and referred to the Legal Education Committee.

The letter of Mr. G. O. McHugh was read and it was ordered that Mr. McHugh be asked to state at what date he desires to appear for examination.

The letter of Mr. H. F. Clarke complaining of the conduct of Messrs. B. & C. was read. The Secretary was directed to reply that the subject of the complaint is not a subject in which the Law Society can interfere.

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Friday, 8th June.

Present:—The Treasurer and Messrs. Barwick, Bicknell, Bruce, Guthrie, Hoskin, Lash, McMaster, McPherson, Nesbitt, Riddell, Ritchie, and Shepley.

In the matter of the Report adopted by Convocation on the 25th ult., in the complaint of A. against B., a letter from the gentleman whose conduct had been complained of was read, as follows:—

John Hoskin, K.C.,  
Chairman, Discipline Committee.

29th May, 1906.

Dear Sir,—

I have been advised of the action taken by Convocation on the complaint of Mr. A. against me. I regret very much that I should have been found guilty of a breach of professional duty which I assure you was wholly unintentional on my part, I was not aware of the provisions of Rule 46 of the Surrogate Rules until my attention was drawn to it on the enquiry. Had I known of its existence I certainly would have endeavoured to have observed it. I will most assuredly not be guilty of a repetition of the offence.

Yours respectfully,  
(Sgd.)

Ordered that the expression of regret by Mr. B. and his promise not to repeat the acts complained of be accepted, and the matter allowed to drop.

Mr. C. in attendance in pursuance of the order of Convocation of 25th May, was called in, and on being asked if he had any cause to shew why he should not be struck off the Rolls in

respect to the matters contained in the report of the Discipline Committee, asked to be informed what was necessary to be done in order that he might be purged of the contempt committed by him. Mr. C. then withdrew. Ordered that in the event of the fees and arrears being paid, his certificate to practise as a solicitor be issued to him.

Dr. Hoskin from the Discipline Committee reported as follows:—

In the matter of the complaint of George Taylor Denison, Esq., Police Magistrate, in and for the City of Toronto, against R. C. LeVesconte a member of the Law Society of Upper Canada, the Discipline Committee beg to report:—

1. That by a letter from J. W. Seymour Corley, Esq., Crown Attorney in and for the City of Toronto the said Mr. Corley acting under instructions from the City Police Magistrate, wrote to the Secretary of the Law Society as follows:—

103 Bay Street,

TORONTO, 7th May, 1906.

The Secretary,

Law Society of Upper Canada,  
Osgoode Hall, City.

Sir,—

I am instructed by George Taylor Denison, Esquire, Police Magistrate in and for the City of Toronto to call the attention of the Law Society to the conduct of Mr. R. C. LeVesconte in the case of one Christopher Holland and to forward to you the following papers which I send under separate cover:—Order for Holland's return to Canada, evidence taken before Bow Street Magistrate in London, a telegram to Mr. LeVesconte and copy of a telegram sent by him and a letter from Mr. LeVesconte to one J. H. Mullins, Cardiff, Wales.

Please acknowledge receipt, and oblige,

J. W. SEYMOUR CORLEY,  
Crown Attorney in and for City of Toronto.

2. With the said letter certain papers and documents were sent to the Secretary of the Law Society which papers and documents are herewith transmitted to Convocation.

3. Copies of the said letter and papers and documents were sent to the said Mr. LeVesconte.

4. The Committee under the Rules in that behalf notified the said Crown Attorney and the said Mr. LeVesconte to appear before them this day.

5. The said Mr. LeVesconte appeared according to notice, and Mr. Morrison appeared at the request of the said Police Magistrate, but the Crown Attorney was unable to be present.

6. Your Committee heard what was stated by the said Mr. Morrison and the said Mr. LeVesconte, and also heard read further documents submitted by the said Mr. LeVesconte.

7. On or about the 7th day of May last past the said Mr. LeVesconte addressed a letter to the Secretary of the Law Society desiring the complaint in question should be investigated at the earliest possible moment.

8. Your Committee are of opinion that a prima facie case of professional misconduct or of conduct unbecoming a barrister and solicitor has not been shewn.

All of which is respectfully submitted,

JOHN HOSKIN,

Chairman of the Discipline Committee.

Dated June 5th, 1906.

The report was adopted and Convocation having read the papers produced is of opinion that it does not appear that the conduct of Mr. LeVesconte in respect of the matters out of which the charge arises was improper in any respect.

Ordered upon a report of the County Libraries Committee that Mr. Duncan Donald be appointed Inspector of County Libraries for the year 1906, and the number of Libraries having been increased that he be paid \$225 to cover his fee and expenses.

Ordered upon a report of the Legal Education Committee in respect to the petition of students at law against the recent increase of the amount of the Law School fees, that in view of the reasons for the increase the action of Convocation be not re-considered.

Ordered upon a report of the Legal Education Committee that in the cases of gentlemen who have obtained special Acts of the Legislature authorizing their admission to practice a list

of subjects with which a general practitioner should be reasonably familiar be prepared upon which the applicants for admission shall be examined; that any such applicants be required to state four of such subjects upon which he is prepared to be examined; that the examiners be required to prepare questions upon such subjects which shall be submitted to the Legal Education Committee for approval; that the applicant be required to write upon such questions and that his answers be reported upon by the examiners to the Committee to be reported upon to Convocation. That any candidate shall be required to present himself for examination within four months after having given notice of application for admission.

The amendments offered by Mr. McPherson that the examination for all candidates be uniform and that in future all such candidates be required to submit themselves to the usual examinations of the Society, were lost.

The regulations made by the Examiners for the conduct of the Law School Examinations were laid on the table.

The report of the Principal of the Law School for the session of the Law School 1905-1906, was read as follows:—

Law School, 8th May, 1906.

Z. A. Lash, Esq., K.C.,

Chairman, Legal Education Committee.

Dear Sir,—

I beg to report as follows in regard to the work of the Law School during the session of 1905-1906.

1. The number of students registered were:

1st year . . . . .	46
2nd year . . . . .	44
3rd year . . . . .	39

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2. Of these one died during the year, and five withdrew, some only temporarily from ill-health or other reasons.

3. I have set out in Schedules A. and B. hereto the names of the students whose attendance has been allowed.

4. During the session lectures were delivered as follows:—

Principal . . . . .	235
Mr. Armour, K.C. . . . .	109
Mr. Marsh, K.C. . . . .	105
Mr. King, K.C. . . . .	88
Mr. McGregor Young, M.A. . . . .	94

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5. In addition to the regular lectures a special course was arranged as shewn in the annexed programme. I regret to say that some of the afternoon lecturers were unavoidably prevented from lecturing:—

Morning Lectures, 9 a.m.

1906.

- Jan. 12.—The Law of Costs, W. E. Middleton, Esq.  
 Jan. 19.—The Law of Costs, W. E. Middleton, Esq.  
 Jan. 26.—Interlocutory applications, John H. Moss, Esq.  
 Feb. 2.—Preparation for Trial, N. W. Rowell, Esq., K.C.  
 Feb. 9.—Certiorari and Prohibition, W. H. Blake, Esq., K.C.  
 Feb. 16.—The Joint Stock Companies Acts, C. A. Masten, Esq.  
 Feb. 23.—The Joint Stock Companies Acts, C. A. Masten, Esq.

Attendance at these lectures was voluntary.

Afternoon Lectures, 4.30 p.m.

1906.

- Jan. 12.—Legal Ethics, The Honourable Sir John A. Boyd, K.C.M.G., Chancellor of Ontario.  
 Jan. 19.—The Municipal Act, The Honourable Charles Moss, LL.D., Chief Justice of Ontario.  
 Jan. 26.—Procedure under Winding-up Acts, His Honour Judge Hodgins, Judge of the Admiralty Court.  
 Feb. 2.—The Municipal Act, The Honourable Sir W. R. Meredith, LL.D., Chief Justice of the Common Pleas.  
 Feb. 9.—The Municipal Act, The Honourable Sir W. R. Meredith, LL.D., Chief Justice of the Common Pleas.  
 Feb. 16.—The Municipal Act, The Honourable Sir W. R. Meredith, LL.D., Chief Justice of the Common Pleas.  
 Feb. 23.—The Lawyer as Man of Business, Walter Barwick, Esq., K.C.  
 Mar. 2.—The Municipal Act, Geo. F. Shepley, Esq., K.C.

Attendance at these lectures was obligatory.

6. The average attendance was as follows:—

1st year . . . . .	40
2nd year . . . . .	40
3rd year . . . . .	33

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7. The discipline and attention have as usual been very satisfactory.

8. I recommend for the position of Senior Student Librarian during the next session Mr. M. F. Pumaville who has been the Junior Librarian during the past session. I desire to reserve my nomination for the junior librarianship until after the results of the examinations are announced.

9. I beg to transmit the report of the Student Librarians for the past session.

10. I recommend that the examination in real property in the First Year at Christmas be the only examination of that year in this subject, and be final. Heretofore it has been a partial examination only, but as under present arrangements the First Year lectures in Real Property are delivered early in the session, it seems desirable that the examination should be on the whole subject. In this recommendation Mr. Armour, K.C., who lectures on Real Property strongly concurs.

Yours truly,

(Sgd.) N. W. HOYLES.

Ordered upon a report of the Legal Education Committee:—

That the following gentlemen be allowed their First Year examination:—

O. F. Taylor, Honours and Scholarship of one hundred dollars.

W. J. McKay, Honours and Scholarship of sixty dollars.

N. D. McLean, F. S. S. Dunlevie, R. R. Waddell, A. M. Manson, J. N. Black, each with Honours and Scholarship of forty dollars. S. C. Kirkland, H. J. Macdonald, L. M. Singer, Miss G. Hewson, all with Honours.

Also H. C. Macdonald, J. C. Sherry, G. A. Cruise, D. J. Cowan, S. J. Arnott, H. Howitt, W. E. Williams, E. C. Spere-

man, J. E. Parsons, F. H. Hopkins, A. L. Bitzer, H. E. McKittrick, W. A. Gordon, F. Watt, E. W. Wright, M. Lockhart Gordon, H. P. Cooke, A. C. Heighington, J. H. G. Wallace, R. J. McGowan, G. G. Plaxton, H. N. Thomson, J. H. Cooke, L. B. Spencer, W. B. Mudie, G. R. Brady, J. M. Forbes.

That the following gentlemen be allowed their Second Year examination:—

A. G. Ross, Honours and Scholarship of \$100.

A. Foulds, Honours and Scholarship of \$60.

I. S. Fairty, M. B. Peacock, D. Forrester, F. D. Byers, W. H. Gregory, each with Honours and Scholarship of forty dollars.

*See correction and amendment of examiners' report in proceedings of the 26th instant.*

G. D. Kelly, G. J. Valin, K. F. Mackenzie, all with Honours. Also P. J. Montagu, W. F. MacRae, H. Ferguson, S. P. Grosch, A. E. Lyon, J. G. Gibson, E. A. Wright, G. A. Watson, T. B. McQuesten, A. D. Wilson, H. W. Shapley, H. N. Baker, C. C. Robinson, Miss G. Robinson, H. A. Chadwick, M. F. Pumaville, A. Clark, H. D. McCormick, A. A. Fraser, J. J. W. Simpson, A. W. Bixel, W. C. Greig, M. Dingwall, E. V. O'Sullivan, E. Gallagher, E. Miall, A. T. Bowlby, H. C. Moore, G. A. Schaefer, E. W. Kearney, S. Watson, W. E. Lear.

That the following gentlemen be called to the Bar:—Messrs. A. Cohen with honours and gold medal, W. M. Brandon with honours and silver medal, T. S. McMorran with honours and bronze medal, J. A. McEvoy, T. E. Wilson, H. L. Hoyles, W. W. Livingston and G. A. Walker all with honours, also Messrs. E. R. Read, P. S. Shillington, J. P. MacGregor, J. A. Kinney, A. E. Honeywell, G. H. Gray, J. H. Botsford, N. R. Webb, A. H. Britton and S. P. Biggs. That the above do receive their certificates of fitness as solicitors with the exception of Mr. Webb whose period of service has not yet expired.

The above mentioned gentlemen were then introduced and called to the Bar, and Mr. Cohen was presented with the gold medal, Mr. Brandon with the silver medal and Mr. McMorran with the bronze medal.

Ordered upon a report of the Legal Education Committee

that the petition of Mr. F. B. Edmunds for admission as a student at law be granted. That Mr. N. R. Webb do receive his certificate of fitness as a solicitor upon proof of completion of his service.

The letter of the Canada Law Book Company dated 8th June in respect to the publication of reported cases was read and referred to the Reporting Committee.

The Legal Education Committee presented a report recommending a rule providing for Call to the Bar of Ontario of members of the Bar of Manitoba, Saskatchewan, Alberta and British Columbia under section 1, sub-section 5 of R.S.O., chapter 173, which report in terms recommended the passing of a Rule such as that set out in the next paragraph and passed.

The report was adopted, and Mr. Barwick moved for leave to introduce the following rule:—Rule 183(4), “Any person who has been duly called to the Bar of the Superior Courts of the Provinces of Manitoba, Saskatchewan, Alberta, and British Columbia, and who produces sufficient evidence of such call and testimonials of good character and conduct to the satisfaction of the Law Society, may as a Special Case under the Rules of this Society and upon payment of the fees prescribed in Special Cases be called to practise at the Bar of any of Her Majesty’s Superior Courts in the Province of Ontario without being required to pass any examination.

“This Rule shall take effect with regard to persons called to the Bar of any of such Provinces only upon similar provisions being made in such Province extending the same privilege to Barristers of any of Her Majesty’s Superior Courts in the Province of Ontario.”

The draft Rule was read a first and a second time, and upon unanimous consent the rule as to stages was suspended and the new Rule read a third time and passed.

Convocation then rose.

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Tuesday, 26th June, 1906.

Present: The Treasurer and Messrs. Bicknell, Farewell, Lash, Ritchie, Strathy and Watson.

Ordered, upon a report of the Legal Education Committee, that Mr. C. M. Colquhoun be called to the Bar, and do receive his certificate of fitness. Also that, upon a report of the same Committee, setting out that the senior examiner had reported an error in the return of marks of the Honour Candidates of the Second Year, and had submitted a corrected return of such marks, the scholarships of the Second Year be awarded as follows:—Mr. Gregory a scholarship of \$100, Mr. Ross one of \$60, and Messrs. Foulds, Fairty, Peacock, Forrester, and Byers each one of \$40.

Mr. Ritchie from the Reporting Committee recommended: That the Reporters be instructed to publish without delay from time to time in the reports all Rules and Orders of the Supreme Court of Judicature promulgated by the Judges as also the names of all gentlemen called to the Bar. The report was adopted and ordered accordingly.

Mr. Strathy gave notice that at the next meeting of Convocation he would move: That Messrs. Bruce, Bicknell, Clarke, Ritchie, Farewell, Watson and Strathy, be a Committee to consider and report upon the course to be pursued, or plan adopted, for the nomination of members of the Society to be voted for as Benchers, with power to the said Committee to report generally upon the subject of the future election of Benchers and what additions or alterations in the existing Rules of the Society should be made to meet any changes recommended, and that the mover be the convener of such Committee.

Mr. Charles Matthew Colquhoun was then introduced and called to the Bar.

The following report of the Secretary of his action under the resolution of Convocation of the 25th of May, 1906, in the case of Mr. Thomas Hiram Lloyd, barrister and solicitor, was read.

To the Benchers of the Law Society of Upper Canada in Convocation.

The Secretary reports:—

That in pursuance of the resolution of Convocation of the 25th of May, 1906, whereby Mr. Thomas Hiram Lloyd was dis-

barred and declared unworthy to practise as a solicitor, the undersigned did on the twenty-ninth day of May, 1906, deliver personally to the Registrar of the High Court of Justice a written notice under sec. 45 of the Revised Statutes of Ontario, ch. 172, that Mr. Lloyd had been disbarred, accompanied by a copy of the said resolution.

That the undersigned did, on the twenty-ninth day of May, 1906, communicate to the High Court of Justice the above resolution, to wit, that the said Mr. Thomas Hiram Lloyd had been declared unworthy to practise as a solicitor by delivering personally to the Registrar of the High Court of Justice notice under sec. 46 of the Revised Statutes of Ontario, ch. 172, accompanied by a copy of the said resolution duly certified under the corporate seal of the Law Society.

That on the 31st day of May, 1906, the Registrar aforesaid did deliver to him the undersigned the Order of the High Court of Justice dated 29th day of May, 1906, as follows:—

In the High Court of Justice,

Tuesday the 29th day of May, 1906.

In the matter of Mr. Thomas Hiram Lloyd, a solicitor of the Supreme Court of Judicature for Ontario.

1. It having been resolved by the Convocation of the Law Society of Upper Canada that the above named Mr. Thomas Hiram Lloyd is unworthy to practise as a solicitor, as appears by a certified copy of the resolution of the said Convocation of the said Law Society of Upper Canada this day delivered to the senior Registrar of this Court.

2. It is therefore ordered pursuant to the provisions of the statute in that behalf that the said Mr. Thomas Hiram Lloyd be struck off the Roll of solicitors of the Supreme Court of Judicature for Ontario.

(Sgd.) Geo. S. Holmsted,

*Registrar.*

The undersigned doth further report that on the 4th day of June, 1906, the Chief Justice of the Common Pleas sitting in Weekly Court did order, as appears from the entry of the pro-

ceedings of the Court, as follows:—"Re Thomas Hiram Lloyd a solicitor. By direction of the Chief Justice the Solicitor's Roll was ordered to be brought into Court and the solicitor's name was struck from the Rolls."

The undersigned doth further report that he has examined the said Roll and that the name "T. H. Lloyd" has been struck off the said Roll of solicitors, whereon a memorandum is appended as follows:—"Roll brought into Court and name struck off by direction of the Chief Justice pursuant to order of 29th May, 1906, this 4th June, 1906."

All which is respectfully submitted.

HERBERT MACBETH,

9th of June, 1906.

*Secretary.*

The said report was ordered to be filed.

Convocation then rose.



## LAW SOCIETY OF UPPER CANADA.

TRINITY TERM.

THURSDAY, 13th Sept., 1906.

PRESENT: The Treasurer and Messrs. Bicknell, Bruce, Dennistoun, Farewell, Gibbons, Glenn, Hoskin, Hogg, Lash, McKay, McMaster, McPherson, Riddell, Strathy, Watson and Wilson.

Before entering on the business of this meeting, Dr. Hoskin, on behalf of the members of Convocation, in felicitous terms offered congratulations to Sir Aemilius Irving, the Treasurer, on the honour of knighthood recently conferred upon him by His Majesty the King, in recognition of his standing at the Bar and as senior member of the profession and his long service as a Master of the Bench and Treasurer of the Law Society of Upper Canada.

The Treasurer, in appreciative language, acknowledged the congratulations, adding that he looked upon the honour as a recognition of the profession rather than on personal grounds.

Ordered, upon a report of the Legal Education Committee, That Messrs. W. H. McGuire and J. E. L. Goodwill, whose periods of service under articles do not expire until after the last sitting of Convocation this Term, do receive their certificates of fitness as solicitors upon production of proper proofs of completion of their papers to the Secretary. That the service of Mr. H. S. Pritchard be allowed as sufficient. That the service of Mr. Geo. Mitchell be allowed as sufficient on condition of the proper payment to the Province of the law stamps which should have been affixed to his assignments of articles. That the special petitions of Mr. J. J. Hubbard and Mr. T. A. Silverthorn, asking for admission as students at law, notwithstanding the lapse of more than four years since their matriculation, be granted.

Mr. Bruce, from the Committee on Journals, presented the following report:—That the Honourable Allen Bristol Aylesworth, an elected Bencher, by letter dated 4th September, 1906, addressed to the Treasurer, has resigned his seat as an elected

Bencher, having become a Bencher *ex officio* in virtue of his appointment as Minister of Justice of Canada. A copy of Mr. Aylesworth's commission is submitted, dated 4th June, 1906, and he was sworn into office on that day.

The report was adopted and the copy of the commission was ordered to be fyled.

The Committee beg to submit a minute in reference to the lamented death of Walter Barwick, an elected Bencher:—

Convocation orders a minute to be made recording the sincere and deep regret with which Convocation learned of the death of one of its members, Walter Barwick, K.C., which took place on the 1st of July, 1906, by an accident on the London and South-Western Railway, at Salisbury, England.

He was called to the Bar in Michaelmas Term, 1877, and elected a member of Convocation at the general election of Benchers held before Easter Term, 1891. He was again elected a Bencher in Easter Term, 1897, and at the general election of Benchers held before Easter Term, 1901, and Easter Term, 1906, respectively.

On the 2nd of October, 1899, he was appointed a Queen's Counsel by the Lieutenant-Governor for Ontario in Council.

It was ordered that a Special Call of the Bench be made for Friday, the 21st day of September, 1906, to fill the vacancies above mentioned.

The letter of Mr. G. E. McCrossan, barrister, Vancouver, 16th August, 1906, asking for permission to make use in a digest of criminal law of the reports of Ontario cases and to make reference to the original reports, was referred to the Reporting Committee to make enquiry as to the extent of the application and with power to the Committee to act, bearing in mind any engagement or contract which may apply.

Ordered that Mr. R. A. Matheson, a solicitor of over ten years' standing, be called to the Bar.

Mr. Strathy then, in pursuance of notice given, moved as follows:—That Messrs. Bruce, Bicknell, Clarke, Ritchie, Farewell, Watson and Strathy be a Committee to consider and report upon

tion of members of the Society to be voted for as Benchers with power to the said Committee to report generally upon the subject of the future election of Benchers and as to what additions to or alterations in the existing rules of the Society should be made to meet any changes recommended, and that the mover be the Convener of the Committee. Carried.

Moved by Mr. Farewell, seconded by Mr. Dennistoun, that the same Committee be requested to consider and report upon the question of securing to Benchers who have served fifteen years or more as such, a qualification as Benchers *ex officio*. Carried. Ordered that Dr. Hoskin be added to the above Committee.

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FRIDAY, September 14th.

PRESENT: The Treasurer and Messrs. Bruce, Guthrie, McPherson, Riddell and Strathy.

Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar and do receive their certificates of fitness: Messrs. A. I. Fisher (with honours), H. S. Pritchard, J. C. Moore, J. S. Davis, G. N. Gordon, R. A. L. Biggs.

The following gentlemen were then introduced and called to the Bar:—Messrs. Alexander Ingram Fisher (with honours), Harry Sydney Pritchard, John Carlyle Moore, John Samuel Davis, Richard Atkinson Lambertson Biggs, also Mr. Roderick Alexander Matheson, who had been yesterday ordered for call.

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FRIDAY, September 21st.

PRESENT: The Treasurer and Messrs. Aylesworth, Bruce, Dennistoun, Farewell, Gibbons, Glenn, Guthrie, Hoskin, Lash, Lynch-Staunton, McKay, MacLennan, McMaster, McPherson, Nesbitt (J. W.), Northrup, Riddell, Ritchie, Shepley, Watson.

Convocation then, pursuant to Special Call of the Bench, proceeded to the election of Benchers. Mr. Walter Cassels and the Honourable Wallace Nesbitt were declared elected. Mr. Cassels

was appointed a member of the Finance, Legal Education and Reporting Committees, and Mr. Nesbitt a member of the Discipline and Library Committees.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar :—Messrs. J. E. L. Goodwill and Geo. Mitchell (with honours), J. L. Schelster, J. M. Telford, H. F. Upper and W. H. McGuire, and that Messrs. Mitchell, Schelster, Telford and Upper do receive their certificates of fitness as solicitors.

That Mr. H. E. Redman, an applicant for admission to practise under a Special Act of the Legislature, who has, in pursuance of the Rule of 8th June, 1906, written at the examination therein prescribed, be called and admitted as a solicitor.

The petition of Mr. John Wood, a member of the Bar of the Province of Nova Scotia, applying for call to the Bar of Ontario, was referred to a Special Committee consisting of Mr. Watson and Mr. Gibbons, to examine the applicant touching his qualifications for call to the Bar.

The letter, dated 20th instant, of Mr. F. W. Monro, referring to an application made by him to Convocation in Easter Term, 1906, for the issue of his certificates to practise, which had been refused, and stating that he had taken all necessary steps for repatriation under the Dominion Act in that behalf, was read. Convocation ordered that the certificate to practise do issue upon the production of the certificate of re-patriation and the approval by the Treasurer of its sufficiency.

In the case of Mr. W. H. Warke, a solicitor of the Supreme Court of Judicature for Ireland, it was ordered that upon the Legal Education Committee being satisfied that he has passed the examination required of him and that his papers are regular, certificate of fitness do issue to him.

The Special Committee appointed to examine Mr. John Wood for call to the Bar, reported that he had passed a satisfactory examination. Ordered that he be called to the Bar.

The following gentlemen were then introduced and called to the Bar :—Messrs. John Edmund Lyonel Goodwill and George Mitchell (both with honours), Joseph Lindsay Schelster, John

MacDonald Telford, Hartley Franklin Upper, William Henry McGuire, George Newcombe Gordon, and John Wood.

Mr. Ritchie, from the Reporting Committee, reported as follows:—That with reference to the complaint of the Canada Law Book Company contained in letter of 8th June, 1906, as to delays on the part of one of the Reporters in furnishing cases to the publishers, your Committee begs to say it has caused enquiries to be made in connection with the subject matter, and forwards herewith the correspondence that has taken place; and in view of the explanations made, recommends that no further action be taken in the matter. Adopted.

Your Committee also begs to report that all the Rules of the Supreme Court of Judicature passed since the Consolidation of the Rules in 1897 have been published as an Appendix to Volume Eleven of the Ontario Law Reports, and appear at page 671 (*et seq.*) of said volume. The names of the gentlemen called to the Bar in Easter Term, 1906, are also published in said volume. Adopted.

Referring to the letter of 20th August last from Messrs. Marsh & Cameron, solicitors for the Carswell Company, to the Secretary of the Law Society, written in anticipation of a request being made by the Canada Law Book Company to be permitted to use the name of the Law Society as plaintiff in an action to restrain the Carswell Company from using certain material in connection with the proposed publication by the latter Company of a Consolidated Five Years' Digest, it was, upon the report of the Reporting Committee, ordered that the letter of the Canada Law Book Company of the 21st instant, with the enclosed correspondence, and the letter of Messrs. Marsh & Cameron, be all referred to the Reporting Committee with power to act.

Ordered also, upon the report of the Reporting Committee, that the consideration of Mr. G. E. McCrossan's letter of the 16th August, asking to be permitted to make use of the Reports of Ontario Cases in connection with the proposed publication by him of a Digest of Criminal Law be deferred until after Mr. McCrossan shall have obtained from the Carswell Company and the Canada Law Book Company letters stating that they do not object to the Law Society complying with his request.







## LAW SOCIETY OF UPPER CANADA.

MICHAELMAS.

Thursday, Nov. 22nd, 1906.

Present, the Treasurer and Messrs. Bicknell, Bruce, Cassels, Clarke, Farewell, Glenn, Hoskin, McMaster, Ritchie, Strathy and White.

The letter of the Hon. Mr. Justice Riddell to the Treasurer was read as follows:—

TORONTO, 18th Oct., 1906.

My Dear Sir Æmilius:—

As I have had the honour of being appointed to the High Court Bench it becomes my sorrowful duty to present my resignation as a Bencher of the Law Society of Upper Canada. In doing so, I desire to say through you to my late brothers of the Bench how grateful I am to them for their unremitting kindness and courtesy. I feel very deeply the sorrow of parting from them and I wish them one and all every blessing in the future. Into my relation with yourself, my dear Sir Æmilius, I cannot even enter in writing.

I am, my dear Treasurer,

Yours faithfully,

W. R. RIDDELL.

The report of the Committee on Journals that a vacancy had been caused by the appointment of Mr. Riddell to the Supreme Court of Judicature for Ontario was adopted, and it was ordered that a special call of the Bench be made for Friday 7th December, 1906, to elect a Bencher in succession to the Honourable Mr. Justice Riddell.

Mr. Strathy from the Special Committee appointed on the 13th September, 1906, to consider and report upon the questions of the nomination and election of Benchers, presented the following report:—

The Special Committee to whom was referred certain matters as to the election of Benchers and the desirability of having

nominations and the providing of a system therefor, begs to report—

Your Committee recommends that a system of nominations for the office of Bencher be instituted and it suggests that *mutatis mutandis* the system in use in connection with election to the University Senate be adopted; that in pursuance of this suggestion your Committee be authorized to interview and suggest to the Hon. the Attorney-General of Ontario, that the following amendments be made in the Act respecting the Law Society of Upper Canada (R.S.O. ch. 172):—

Amend sec. 8 of said chapter by adding the following subsections:—

2. No person shall be elected as a Bencher unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void.

3. The nomination shall be in writing by a nomination paper which shall be signed by at least ten of the persons entitled to vote at the election.

4. The nomination paper shall be delivered at the office of the Secretary of the Law Society, or sent by mail to the Secretary, so as to be received there at some time during the first fifteen days of the month of March of the year in which the election is to take place, and if not so delivered or received shall be invalid and shall not be acted upon. The Secretary shall on the sixteenth day of the said month of March, or on the first juridical day thereafter mail notice in writing to each nominee informing him of his nomination.

5. Any person who is nominated as a Bencher may refuse to become a candidate and he shall be deemed not to have been so nominated, and his name shall not be included in the list of candidates, if he shall notify the Secretary in writing of his refusal within 4 days after the mailing of such notice to him.

6. In case the number of persons who remain as candidates be not greater than the number of Benchers to be elected, they shall be deemed to be elected Benchers.

Amend sec. 10 by inserting at the beginning thereof the words, "in case a poll is necessary."

Repeal sec. 11 and substitute the following:—11. If the number of persons who remain as candidates be greater than

the number of Benchers to be elected, it shall be the duty of the Secretary to send with the said form of voting paper, a list of the persons so nominated, and who remain as candidates, upon which list he shall indicate by asterisks and a foot-note, those of such persons whose term of office as Benchers is about to expire.

Amend sec. 15 by adding the following as a sub-section:—

(a) If from any cause any election provided for by this Act should not be held as hereinbefore provided, the Benchers in Convocation shall make provision for holding the same and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof and such proceedings shall, so far as may be practicable, be made conformable with those provided by this Act,

15(b) If a fewer number than thirty be elected, the elected Benchers shall fill up such vacancies.

The report was adopted.

Mr. Strathy also presented the report of the Committee appointed on the same day on the question of securing to Benchers who have served fifteen years or more a qualification as Benchers *ex officio*, and it was ordered that the consideration thereof should stand over until 7th December.

The letter of the Honourable the Minister of Justice, 8th Oct., 1906, in reference to the annotation of the Consolidated Statutes of Canada, stating that the decision of his Department, previously to his coming into office, had been that it would not be expedient for the Government to undertake this work, and that the consideration which he himself had been able to give the subject did not lead him to any different conclusion, was read.

Ordered that Messrs. Ritchie, Bicknell and White be a Special Committee to examine Mr. Alfred B. Morine, a member of the Bar of Nova Scotia, touching his qualifications for call to the Bar, and the Committee having reported that he had passed a satisfactory examination, it was ordered that Mr. Morine be called to the Bar.

Mr. Strathy from the County Libraries Committee presented the report of the Inspector of County Libraries for the year 1906, as follows:—

To the Trésurer and Benchers of the Law Society of Upper Canada.

GENTLEMEN,—

In accordance with your instructions I have inspected the Law Libraries other than the one at Kenora, and beg to submit my report.

With very few exceptions the zeal and energy of the officers of the various associations continue, and progress has been made during the past year. In the few cases where I cannot report progress, and they are but one or two, the cause appears to be the lack of interest in the Association and its aims. One of these aims is, or should be the mutual benefit of the members of the profession in the locality, and the conserving of the rights of the profession as a whole. One cannot help but think that these Associations wisely directed would result in great benefit to the profession, especially if they could be in some way federated so as to enable the profession to speak and act on any subject as a whole. With this I have nothing to do, but the lack of interest is more apparent where this general aim is lost sight of and I mention it because it is a fact that where the Association is active and progressive the library is better maintained.

The principal aim of the Association is to maintain for the use of the profession generally, and the local practitioners particularly, a library as replete as possible with treatises and books on the subjects with which the lawyer has to deal. The general nature of this aim is to some extent lost sight of. Some, if not all, of the libraries have existed for a generation, and will continue for years to come, and the present members are now reaping the benefit of the wisdom and foresight of their predecessors. Accordingly they should see the standard is maintained, and that they hand to their successors the various libraries increased not only in volume but in general usefulness. Many of the Associations are small, and the available funds limited, but during my tour I have been informed many times that the libraries are proving a source of saving to the practitioner, and I would again mention the advisability of endeavouring to make the local library complete instead of expending money on private libraries, which will never be full and complete. To this end

some of the Associations have doubled their fees, and the result is proving highly satisfactory to the members. The multiplicity of publications makes it impossible for any individual to keep his library up to date, but if individual efforts were consolidated there would be at least one library in the locality which would contain every useful text-book issued, and a complete record of the decisions of the various Courts.

While on this subject I might mention the advisability of keeping the records of the Association in permanent form. The various books of the Association such as Minute-book, Treasurer's book, and the Accession-book and Catalogue should be a history of the Association from its inception. Old books should be bound and preserved, and the current records should be kept in well-bound books, so that when they are complete they can be filed away. Not the least interesting volumes in the whole library should be these records.

When one sees the value of these libraries, it is a matter of astonishment that every practising barrister and solicitor is not a member of the local Association. The value to them is greatly in excess of the small fee required. I am sorry to say, however, that in some of the Associations the membership is not as large as it should be. More difficult to understand than this is that those who refuse to become members or who refuse to pay their fees will persist in making use of the library even after they have been warned not to do so. In some cases the fee is but \$2.00 or \$2.50 a year. Where there is not a permanent librarian it is impossible to stop this, and where there is it places the librarian in a very uncomfortable position. Not only is the Association deprived of their fee, but it is also deprived of a similar amount contributed by the Law Society. Two or three such cases deprive the library of an addition in each year of two or three texts that would be of great assistance to the profession. The reason of their refusal cannot be that the money would not be well spent, for I do not think that there is any group of Associations where so much is done for the general good at such little expense.

The local judges are doing much for the libraries. Their knowledge of the requirements is so complete that it is a great assistance to the officers in purchasing, and they can require

those appearing before them to read, and produce authorities, and thus improve the general standing of the profession, and render the library absolutely necessary to those practising before them.

It is evident that such thought and attention is given to the expenditure, and that the books that are wanted by the majority are purchased. There is one lack, however, in many libraries and that is of a dictionary of recognized standing. This is I think an absolute necessity in every library.

The new Association in Lambton have established a good library for a beginning, and as most of the Bar are members it should be before long one of the best. The members find it a great convenience, and that it effects considerable saving individually.

I repeat some matters contained in my last report, which have been, I am informed, well received and of benefit to the Associations.

1. Each library should have a complete catalogue. This should be in a strongly bound book, and should be so made out that it would last for many years, and so obviate the necessity of continual re-writing. For the smaller libraries it is sufficient to catalogue the books under the name of the author and the subject. At the beginning of this book fifty pages or so should be left in which to enter the volumes added to the library as they are received. Here could be entered the name of the book, date of purchase, the author, edition, publisher, and the price paid, and from this record it is an easy matter to enter up the catalogue. This I consider necessary because when a new officer takes charge he should be able to check over the books, and so ascertain what he is responsible for. In case of fire it would be extremely useful in making up the insurance claims.

2. It does not appear to be possible to entirely prohibit the taking of books from the library, and such being the case, all means should be taken to keep a record of such, and to see that they are promptly returned. Where there is no permanent librarian there should be a register, in which borrowers could enter the name of the book borrowed. This register should be a strongly bound book, and as the Associations are small it could be indexed with the members' names, so that all they have to do

is to turn up their name and enter the book and date. This book should be on a desk conveniently placed at the door, and a notice put up notifying all those using the library to enter books borrowed and taken away, and to return them speedily.

3. In arranging the books in a library sufficient room should be left for the yearly additions, and much labour would be saved if attention were paid to this. Sufficient shelving should be obtained, so that one arrangement of the books would do for many years. The various series of reports should be kept together in sections, text-books in another section, and digests and encyclopedias in another section.

4. The importance of annotating the reports and statutes should not be lost sight of. The library becomes of great value if it is brought up to date in this way. Printed annotations for both reports and statutes can now be obtained, and it would be a simple matter to continue the work subsequent to this by hand. Even where the Associations have not a permanent librarian this could be undertaken by someone in the Court House or from one of the law offices, and though payment had to be made for the services rendered, it would add more than the amount paid to the value of the library.

5. The County Council is bound to provide all necessary accommodation for the library and the caretaking thereof. Associations should see that they receive all they are entitled to, and that the library is placed in pleasant quarters, and that it be made attractive and comfortable.

6. Care should be exercised in ordering shelving. Most law-books are of uniform height, and if the shelves are so placed and not too deep, a strip of felt or leather placed on the face of the shelves overlapping the tops of the books will keep them from gathering dust.

7. *The Ontario and Canada Gazettes* should be in every library. As they are used by all the officers of the Court, they should be available and the County Council should bind them and place them in the library on the understanding that they be available for use by all officers of the Court.

8. Every library should have the services of a good librarian, and every endeavour should be made to obtain one. The work is not hard, and very little instruction would be required to

make even one who is a total stranger to law-books efficient. I am sure that there is some one in the library centre who would be glad to do this for the sum the Association could afford to pay.

A short report on each library is appended.

DUNCAN DONALD.

*Inspector of Law Libraries.*

TORONTO, 14th September, 1906.

Friday, Nov. 23rd, 1906.

Present, the Treasurer and Messrs. Aylesworth, Bicknell, Bruce, Cassels, Guthrie, McMaster, McPherson, Strathy, and Watson.

Ordered upon the report of the Legal Education Committee that the following gentlemen be called to the Bar and receive their certificates of fitness:—Messrs. G. H. Sedgewick (with honours), W. N. Graham, C. L. Bray, R. G. Agnew. That Mr. O. D. Peat be called to the Bar and receive his certificate of fitness upon proof of completion of his service under articles which do not expire until after term. That Mr. F. L. Davidson, who passed his examination in Easter, 1900, and completed his service but has been practising in Nova Scotia since that year, be now called to the Bar and receive his certificate of fitness. The Committee also reported that in pursuance of order of 21st September, 1906, a certificate of fitness as a solicitor had been issued to Mr. W. H. Warke, who had passed the final examination and complied with all the Rules in Special Cases.

The following gentlemen were then introduced and called to the Bar:—Messrs. Frederick Leland Davidson, George Herbert Sedgewick, Oswald David Peat, William Nelson Graham, Charles Lount Bray, Robert Gordon Agnew, also Henry Ernest Redman who had been ordered for call last term and Alfred Bishop Morine, who had been ordered for call yesterday. Mr. Sedgewick was called with Honours.

Friday, 7th December, 1906.

Present, the Treasurer and Messrs. Bicknell, Bruce, Chrysler, Clarke, Dennistoun, Farewell, Gibbons, Glenn, Guthrie, Hoskin,

Lash, Lynch-Staunton, McKay, McMaster, McPherson, Nesbitt (Hon. Wallace), Northrup, Ritchie, Shepley, Smith, Strathy, Watson and White.

Mr. Bruce, from the Committee on Journals, submitted a minute on the death of the Honourable William Kerr an elected Benchers:—

Convocation orders a minute to be made recording the sincere and deep regret with which Convocation learned of the death of one of its members, the Honourable William Kerr, K.C., which took place at Toronto on the 22nd of November, 1906.

He was called to the Bar in Hilary Term, 1859, and was appointed one of Her Majesty's Counsel by Letters Patent under the Great Seal of Ontario on the 13th of March, 1876.

He was elected a member of Convocation at the General Election of Benchers held before Easter Term, 1896, and was re-elected at the General Elections held before Easter Term, 1901, and Easter Term, 1906, respectively.

Mr. Kerr was elected member for the constituency of West Northumberland at the General Election for the House of Commons in 1874, and again at the bye-election held in that year and continued to represent West Northumberland until the General Elections in 1878.

On the 18th of March, 1899, he was summoned to the Senate of the Dominion of Canada.

The report was adopted and ordered to be entered on the minutes.

Convocation then ordered that a special call of the Bench be made for Thursday the 7th day of February, 1907, to elect a Benchers in succession to the late Honourable William Kerr.

Ordered upon a report of the Legal Education Committee that the former order of Convocation permitting Mr. H. A. C. Machin to attend the remainder of the lectures of the Third Year in the Law School and that he be allowed a special examination at the close thereof, be renewed. That Mr. P. A. Lynch, upon obtaining admission as a student at law be permitted to attend the remainder of the Law School lectures of the First Year and that his attendance upon the lectures already delivered be waived.

Convocation then pursuant to Special Call of the Bench proceeded to the election of a Benchers in succession to the Honour-

able Mr. Justice Riddell. Mr. F. W. Harcourt was elected, and was afterwards appointed a member of the Finance, Legal Education and Library Committees.

The report of the Committee as to Benchers who have served fifteen years becoming qualified as ex officio Benchers was discussed and the further consideration thereof deferred to the first day of Hilary Term, 1907.

## LAW SOCIETY OF UPPER CANADA.

HILARY TERM, 1907.

Thursday, Feb. 7th.

Present, the Treasurer and Messrs. Bicknell, Bruce, Farewell, Gibbons, Guthrie, Harcourt, Hoskin, McMaster, McPherson, Nesbitt (John W.), Ritchie, Smith, Strathy, Watson and Wilson.

Pursuant to Call of the Bench ordered on Friday, the 7th December, 1906, Convocation proceeded to the election of a Benchers in succession to the late Honourable William Kerr. Mr. Richard Bayly was elected.

Upon the motion for the adoption of so much of the report presented on the 22nd November, 1906, of the Special Committee appointed 13th September, 1906, as relates to Benchers serving fifteen years or more as such obtaining a qualification as Benchers ex officio, the motion was carried. Ordered that Messrs. Hoskin, Ritchie, Strathy and Watson be a Special Committee to wait upon the Attorney-General with the request that an Act of the Legislature be passed to give effect to this report and the report previously adopted as to nomination of Benchers, Mr. Strathy to be the convener thereof.

Ordered upon a report of the County Libraries Committee that an advance, by way of loan under the Rules, of \$335 be made to the Welland Law Association repayable in ten annual payments, security being given in the usual form, and also, upon a report by the same Committee that an advance by way of loan under the Rules amounting, with the existing loan, to \$500 be made to the Essex Law Association on the same terms.

The report of the Library Committee was received and was ordered to be printed and distributed to the profession in the usual manner.

Mr. Watson from the Finance Committee presented the following report:—That the Contract entered into with the Government of the Dominion of Canada for the supply of the Supreme Court Reports for a term of three years has expired. The Law Society has during that period subscribed for and obtained for the members of the profession the following volumes at a cost of \$1.25 a copy :

In 1904	Vol. 34		\$1,997.50
1905	Vol. 35	1,987.50	
—	Vol. 36	2,006.25	3,993.75
1906	Vol. 37		1,900.00

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Total cost in three years . . . . . \$7,891.25

The Committee begs to submit the above to Convocation and requests instructions on the question of a further renewal of the contract.

Ordered, on a division, that the Finance Committee be authorized to continue the contract for three years provided the cost to the Law Society does not exceed the sum of \$1.25 per copy furnished to the profession as in the past.

Mr. Watson from the Finance Committee presented the statement of receipts and expenditure for the year 1906 which was ordered to be printed and distributed to the profession in the ordinary course. Mr. Watson from the same Committee presented the estimate of receipts and expenditure for the year 1907.

The letter of Mr. Kirwan Martin of the 31st Jan., 1907, was read. Ordered that the Secretary do reply, thanking Mr. Martin for his letter and stating that if he will transmit the interesting documents described in his letter, they will be carefully stored in remembrance of the valuable aid which his father in his lifetime gave to the Convocation of the Law Society.

The letter, dated 5th of February from Mr. Henry O'Brien was referred to the Reporting Committee to be dealt with.

Friday, February 8th.

Present, the Treasurer and Messrs. Bicknell, Bruce, Cassels, Harcourt, Lash, McPherson and Strathy.

The following names were added as members of the respective Committees: Discipline Committee, Mr. Bayly; Journals and Printing, Mr. McPherson; County Libraries, Mr. Bayly.

Ordered, upon a report of the Legal Education Committee, that Mr. G. M. Gardner be called to the Bar and that Mr. W. W. Pope be called to the Bar and receive his certificate of fitness as a solicitor. That Mr. H. A. C. Machin be granted an extension of the time allowed for the completion of his third year course. That the following gentlemen who passed the Final Examination in the year 1894 be called to the Bar: Mr. J. T. White and Mr. J. P. White.

The letter dated 7th inst. of Mr. Walter Read resigning his position as solicitor to the Law Society was read. Ordered that the resignation be accepted and the Secretary was directed to acknowledge Mr. Read's letter and state that Convocation recognizes the attention and ability with which his duties to the Law Society have been discharged and wishes him success in the further pursuance of his labours.

The following gentlemen were then introduced and called to the Bar: Messrs. John Thomas White, John Percival White, George MacGregor Gardner and William Walter Pope.

Friday, February 15th.

Present, the Treasurer and Messrs. Bayly, Dennistoun, Glenn, Guthrie, Hoskin, McMaster and McPherson.

Ordered that Messrs. McPherson, Glenn and McMaster be a Special Committee to examine Mr. Robert Alexander Reid, a member of the Bar of the Province of Nova Scotia, touching his qualifications for Call to the Bar, and the Committee having reported that he had passed a satisfactory examination, it was ordered that he be called to the Bar.

Mr. Robert Alexander Reid was then introduced and called to the Bar.



Proceedings of the  
LAW SOCIETY OF UPPER CANADA

STATEMENT OF  
RECEIPTS AND EXPENDITURE

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31ST DECEMBER, 1906.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1905.

RECEIPTS.

1905		1906
	Solicitors' Certificates :	
\$ 3,135 00	Paid after the beginning of the year, but payable the Michaelmas previous.....	\$ 3,120 00
258 00	Fines Collected. ....	189 00
414 08	Fees and fines in arrear prior to the preceding Michaelmas.....	297 40
21,795 00	Payable in Michaelmas of the current year	21,660 00
\$ 25,602 08		\$ 25,266 40
	Barristers' Annual Fees :	
452 00	Paid after the beginning of the year, but payable the Michaelmas previous....	462 00
168 00	In arrear prior to the Michaelmas of the preceding year. ....	188 00
2,868 00	Payable in Michaelmas of the current year	2,860 00
3,488 00		3,510 00
100 00	Notice Fees .....	100 00
2,650 00	Students' Admission Fees. ....	2,950 00
55 00	Fees on Petitions and Diplomas.....	51 00
6,370 00	Law School Tuition Fees.....	11,240 00
2,745 00	Solicitors' Examination Fees.....	2,600 00
	Call Fees under 57 Vict. cap. 44 and other Cases .....	1,000 00
500 00	Call Fees in Ordinary Cases.....	3,680 00
4,455 00		
4,955 00		4,680 00
\$45,965 08	Carried forward.....	\$ 50,397 40

## LAW SOCIETY OF UPPER CANADA.

1905		1906
\$45,965 08	Brought forward.....	\$50,397 40
	County Library Loans returned :—	
	30 00 Essex.....	30 00
	18 00 Grey.....	
	15 00 Hastings.....	15 00
	52 50 Leeds.....	52 50
	50 00 Lindsay.....	50 00
	Oxford (2 instalments).....	67 00
	32 50 Perth.....	32 50
	30 00 Stormont.....	30 00
228 00		277 00
39 82	Commission on Telegraph Messages.....	31 54
2,345 53	Interest and Dividends.....	2,290 72
40	Fines in respect of Students' Lending Library.....	1 00
175 00	Grant from Ontario Government in aid of Telegraph and Telephone Service.....	175 00
	30 00 Subscriptions for Statutes for 1905.....	
766 00	736 00	31 50
	“ “ “ 1906.....	940 00
	“ “ “ 1907.....	971 50
3 75	Subscriptions for Supreme Court Reports.....	
<u>\$49,523 58</u>	Grand Total.....	<u>\$54,144 16</u>

## EXPENDITURE.

## REPORTS—

3,717 06	Printing Reports.....	2,452 05
	Salaries :—	
	2,000 00 Editor.....	2,000 00
	7,200 00 Reporters.....	5,118 34
9,200 00		7,118 34
<u>\$12,917 06</u>		<u>\$9,570 39</u>

DIGEST..... 6 20

## LAW SCHOOL :—

	Salaries :—	
	5,000 00 Principal.....	5,000 00
	6,000 00 Four Lecturers at \$1,500 each.....	6,000 00
	1,650 00 Salaries of Examiners.....	1,650 00
	200 00 Scrutineers at Examinations.....	180 00
	232 10 Printing and Stationery.....	275 20
	760 13 Scholarships and Medals.....	756 57
	Caretaking, Light, Heating, Furniture and	
	809 89 Maintenance.....	838 38
\$14,652 12		\$14,700 15
\$27,569 18	Carried forward.....	\$24,276 74

## LAW SOCIETY OF UPPER CANADA.

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1905			1906	
\$27,569 18	Brought forward.....		\$24,276 74	
	LIBRARY :—			
3,521 84	Books purchased .....	2,768 08		
855 34	Binding .....	707 80		
258 55	Maintenance including Stationery.....	212 61		
<u>4,635 73</u>		<u>3,688 49</u>		
	Salaries :—			
1,800 00	Librarian.....	1,800 00		
1,000 00	Ass't Librarian.....	1,000 00		
181 50	Attendance during even- ings .....	180 00		
2,981 50		<u>2,980 00</u>		
<u>7,617 23</u>			<u>6,668 49</u>	
	LAW COSTS :—			
100 00	Solicitors' Allowance .....	100 00		
134 66	Taxed Costs and Counsel Fees.....	231 25		
<u>234 66</u>			<u>331 25</u>	
765 20	TELEGRAPH AND TELEPHONE OFFICE.....		827 70	
	LIGHT, HEATING, WATER, GROUNDS AND IN- SURANCE :—			
	Payment to Ontario Government for			
890 00	Steam Heating.....	890 00		
620 40	Lighting .....	587 71		
62 71	Heating.....	133 11		
179 32	Water.....	112 54		
1,003 38	Grounds.....	1,155 12		
	Insurance on all property at Osgoode Hall for three years.....	1,925 00		
7 50	Insurance on Books at Bindery .....	7 50		
8 00	Rent for Safe Deposit Drawer for Invent- ories.....	8 00		
<u>2,771 31</u>			<u>4,818 98</u>	
132 86	ADDITIONS, ALTERATIONS, REPAIRS AND FURNI- TURE.....		496 30	
	COUNTY LIBRARIES AID :—			
	<i>Annual Grants.</i>			
\$ 229 00	Brant.....	\$ 246 67		
116 77	Bruce .....	58 67		
550 00	Carleton .....	535 00		
237 00	Elgin.....	229 45		
158 43	Essex.....	222 50		
165 00	Frontenac.....	163 21		
106 67	Grey .....	105 34		
542 50	Hamilton.....	527 50		
116 67	Hastings.....	110 34		
<u>\$39,090 44</u>	<u>\$2,222 04</u>	Carried forward.....	<u>\$ 2,198 68</u>	<u>\$37,419 46</u>

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## LAW SOCIETY OF UPPER CANADA.

1905			1906	
\$39,090 44	\$2,222 04	Expenditure—Brought forward.....	\$2,198 68	\$37,419 46
	218 33	Huron.....	218 33	
	145 00	Kent.....	164 17	
		Lambton.....	110 00	
	178 67	Leeds.....	188 67	
	182 50	Lindsay.....	182 50	
	482 50	Middlesex.....	500 00	
	35 00	Norfolk.....	35 00	
	85 67	Ontario.....	98 00	
		Oxford (for 2 years).....	226 68	
	115 25	Perth.....	121 41	
	172 00	Peterborough.....	172 00	
		Rainy River (for 3 years).....	126 66	
	115 67	Simcoe.....	113 67	
	113 33	Stormont.....	94 84	
	310 00	Waterloo (for 2 years).....		
		“ (for 1906).....	162 50	
	135 00	Welland.....	115 00	
		Wellington (for 2 years).....	395 00	
	800 00	York.....	800 00	
	<u>5,310 96</u>		<u>\$6,023 11</u>	
	200 00	Payment to Inspector for 1905.....		
		“ “ “ 1906.....	225 00	
	60 00	INITIATORY GRANT—Lambton.....		
\$ 5,570 96	<u>        </u>			\$ 6,248 11
SECRETARIAT AND CARETAKING :—				
	1,500 00	Secretary's Salary.....	1,500 00	
	100 00	Auditor's Fee.....	100 00	
	660 00	Caretaker's Wages.....	660 00	
	167 47	General Expenses and Housecleaning.	431 91	
\$ 2,427 47	<u>        </u>			\$ 2,691 91
214 11		PRINTING, ADVERTISING AND STATIONERY.		340 57
SUPREME COURT REPORTS :—				
	1,987 50	Subscription to Vol. 35, as per contract with the Government.....		
\$ 3,993 75	2,006 25	Subscription to Vol. 36, as per contract with the Government.....		
		Subscription to Vol. 37, as per contract with the Government.....		\$ 1,900 00
STATUTES :—				
	857 82	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society.....		934 75
	7 50	COMMITTEE ON UNLICENSED CONVEYANCERS.....		5 00
\$52,162 05	<u>        </u>	Carried forward.....		\$49,539 80

## LAW SOCIETY OF UPPER CANADA.

v

1905		1906
\$52,162 05	Expenditure—Brought forward.....	\$ 49,539 80
	EXPENSES OF BENCHER'S ELECTION.....	723 91
	MISCELLANEOUS :—	
305 20	Term Lunches.....	369 40
250 00	Grant to Widow of the late Secretary.....	250 00
37 87	Postage.....	75 60
	Telegrams.....	1 75
3 00	Rent of Box in Safe Deposit Vaults.....	3 00
18 00	Ice for the year.....	19 50
3 85	Miscellaneous.....	
10 00	Grant in aid of Circuit Guide.....	10 00
627 92		729 25
<u>\$ 52,789 97</u>		<u>\$ 50,992 96</u>

Audited and found correct.

W. H. CROSS, *Auditor*.

TORONTO, 8th January. 1907.







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LAW SOCIETY OF UPPER CANADA.

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*To the Benchers in Convocation assembled.*

The Library Committee beg leave to report as follows:

Your Committee submit herewith the Librarian's report for the year 1906, and recommend that the said report be printed and distributed with the next number of the current Ontario Law Reports.

A. B. AYLESWORTH,  
*Chairman.*

February 7th, 1907.

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The Library, Osgoode Hall,  
Toronto, January 26th, 1907.

To the Chairman and Members of the Library Committee  
of the Law Society of Upper Canada.

The Librarian begs to submit his report for the year  
1906, as follows:

The total expenditure in connection with the Library  
during the year was \$6,668.49, disbursed as follows:

Books and periodicals . . . . .	\$2,845.48
Binding . . . . .	350.30
Re-binding, repairs, etc. . . . .	280.10
Stationery and sundries . . . . .	212.61
Salaries . . . . .	2,980.00
	<hr/>
	\$6,668.49
	<hr/>

An estimate of the expenditure for the current year  
is submitted with this report, together with the usual  
statistical information as to accessions, presentations,  
etc., for the past year, and also similar information for  
the year 1905, which the Librarian was unable to furnish  
with his last annual report, for reasons stated therein.

The number of bound volumes added to the Library  
during the year was 797, of which 243 were taken in as  
periodicals and subsequently bound and 74 were pre-  
sented. The bound volumes in the library now number  
36,600.

The library was open on 241 evenings during the  
year, and the attendance during that period was as  
follows:

	Total.	Average.
Barristers . . . . .	1,118	4.63
Students . . . . .	1,035	4.29
	<hr/>	<hr/>
	2,153	8.92
	<hr/>	<hr/>

In 1905 the total attendance for 242 evenings was 1,984, made up of 932 barristers and 1,052 students.

The Librarian begs respectfully to point out that the question of providing additional space for the accommodation of books is becoming an urgent one, and should soon engage the attention of your Committee. The shelves are now almost entirely filled, and there is little space for the erection of new stacks without cumbering the floors of rooms which were not intended to be, and should not be, mere store-rooms.

All of which is respectfully submitted,

W. GEO. EAKINS,

*Librarian.*

#### EXPENDITURE, 1906.

Books, periodicals, etc.:	
Books and pamphlets . . . . .	\$2,122.53
Periodicals. . . . .	645.55
Stamping . . . . .	23.70
Freight, brokerage, etc. . . . .	53.70
	————— \$2,845.48
Binding . . . . .	350.30
Re-binding, repairs, etc. . . . .	280.10
Stationery and sundries . . . . .	212.61
Salaries . . . . .	2,980.00
	————— \$6,668.49
	—————

#### ESTIMATED EXPENDITURE, 1907.

Books, periodicals, etc.:	
Books and pamphlets. . . . .	\$3,700.00
Periodicals . . . . .	675.00
Stamping . . . . .	50.00
Freight, brokerage, etc. . . . .	75.00
	————— \$4,500.00
	—————
Carried forward. . . . .	\$4,500.00

Brought forward.....	\$4,500.00
Binding .....	450.00
Re-binding, repairs, etc. ....	300.00
Stationery and sundries .....	250.00
Salaries .....	3,000.00
	<hr/>
	\$8,500.00
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## ACCESSIONS, 1905.

	Vols.	Costs.
Texts.—Canada .....	26	\$217.00
United Kingdom .....	80	414.88
Australia .....	1	7.50
United States .....	32	150.13
Reports.—Canada .....	77	186.36
United Kingdom .....	91	477.00
Australasia .....	12	94.00
India .....	4	15.00
United States .....	156	534.44
Statutes.—Canada .....	37	53.50
United Kingdom .....	11	21.25
Australasia .....	3	25.75
West Indies .....	6	.....
United States .....	54	145.66
Digests and indexes .....	49	211.82
Parliamentary .....	109	94.57
Miscellaneous (including periodicals) ..	155	464.62
General literature .....	28	76.75
	<hr/>	<hr/>
	931	\$3,190.23
	<hr/>	<hr/>

Volumes purchased .....	527
Volumes bound for the library.....	289
Volumes presented to the library .....	115
	<hr/>

931

## ACCESSIONS, 1906.

	Vols.	Costs.
Texts.—Canada . . . . .	6	\$ 37.00
United Kingdom . . . . .	53	304.70
United States . . . . .	16	78.00
Reports.—Canada . . . . .	62	207.00
United Kingdom . . . . .	83	421.78
Australasia . . . . .	11	183.25
South Africa . . . . .	1	7.50
United States . . . . .	201	638.60
Statutes.—Canada . . . . .	35	33.22
United Kingdom . . . . .	6	14.12
Australasia . . . . .	7	85.75
United States . . . . .	23	54.50
Digests and indexes . . . . .	65	276.47
Parliamentary . . . . .	85	65.48
Miscellaneous (including periodicals) . . . . .	125	344.75
General literature . . . . .	18	58.24
	<hr/>	<hr/>
	797	\$2,810.36
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Volumes purchased . . . . .	480
Volumes bound for the library . . . . .	243
Volumes presented to the library . . . . .	74
	<hr/>
	797
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## PRESENTATIONS, 1905.

Æmilius Irving, K.C.—Official Report of Universal Congress of Lawyers and Jurists, St. Louis . . .	1
Sir G. W. Des Voeux.—My Colonial Service . . . . .	2
A. H. Sydere, Esq.—Index to Debates, Leg. Ass. 1888-1905 . . . . .	1
C. B. Labatt, Esq.—Australian Law Times, vols. 1-25	7
	<hr/>
Carried forward . . . . .	11

Brought forward . . . . .	11
Geo. W. Holmsted, Esq.—Judicature Act of Ontario, 3rd ed. . . . .	1
“ Workmen’s Compensation Act . . . . .	1
“ Mechanics’ Lien Act (R.S.O. 1887) . . . . .	1
“ Mechanics’ Lien Act (R.S.O. 1897) . . . . .	1
“ Married Women’s Property Act (R.S.O. 1897) . . . . .	1
“ Index to Consolidated Municipal Act . . . . .	1
“ Index to Cases on Statutes . . . . .	1
Alfred Hoskin, Esq.—March’s Reports, 1675 . . . . .	1
Attorney-General, Trinidad.—Laws of Trinidad and Tobago . . . . .	6
E. Thompson Co.—Law Notes, 1904-5 . . . . .	1
Canada Law Book Co.—Reports Am. Bar Association, 1902-1904 . . . . .	3
Library Company, Baltimore Bar.—Subject—Index to Library . . . . .	1
Law Society, England.—Handbook . . . . .	1
Library of Congress.—History of Library of Congress . . . . .	1
“ Reports of Librarian, 1902-1904 . . . . .	3
Toronto City Clerk.—Minutes of City Council, 1904 . . . . .	1
Toronto University.—Calendar, 1905-6. . . . .	1
Trinity University.—Year-Book, 1904-5. . . . .	1
Massachusetts Commonwealth.—Acts, 1905. . . . .	1
New York State Library.—Reports, etc. . . . .	2
United States Government.—Reports, etc. . . . .	3
Newfoundland Government.—Acts, 1904-1905. . . . .	2
Dominion Government.—Statutes, Sessional Papers, etc. . . . .	27
Ontario Government.—Statutes, Sessional Papers, etc. . . . .	30
Quebec Government.—Sessional Papers, etc. . . . .	4
New Brunswick Government.—Acts, 1905. . . . .	1
Nova Scotia Government.—Statutes, 1905, etc. . . . .	3
Manitoba Government.—Acts, 1905. . . . .	1
Carried forward . . . . .	112

Brought forward.....	112
British Columbia Government.—Statutes, 1904-1905	2
North-West Territories Government.—Ordinances, 1904. . . . .	1
	<hr/>
	115
	<hr/>

PRESENTATIONS, 1906.

Dr. N. E. Doinne.—Catalogue of Library, Quebec Leg. Ass. . . . .	1
Gray's Inn.—Catalogue of Library . . . . .	1
Law Society, England.—Supplement to Catalogue of Library . . . . .	1
International Law Association.—Report of Confer- ence, 1905 . . . . .	1
Library of Congress.—Annual Report, 1905. . . . .	1
New York State Library.—Year Book of Legislation	1
Canada Law Book Co.—Report Am. Bar Associa- tion, 1905. . . . .	1
Toronto City Clerk.—Minutes of City Council, 1905	1
United States Government.—Reports . . . . .	2
Dominion Government,—Statutes, Sessional Papers, etc. . . . .	20
Ontario Government.—Statutes, Sessional Papers, etc. . . . .	28
Quebec Government.—Sessional Papers, etc. . . . .	4
New Brunswick Government.—Acts, 1906, etc. . . . .	3
Nova Scotia Government.—Statutes, 1906 . . . . .	1
Manitoba Government.—Acts, 1906, etc. . . . .	2
British Columbia Government.—Statutes, Sessional Papers, etc. . . . .	4
Newfoundland Government.—Acts, 1906 . . . . .	1
“ Through Newfoundland with a Camera..	1



## LAW SOCIETY OF UPPER CANADA.

Thursday, May 23rd, 1907.

Present:—The Treasurer and Messrs. Bayly, Bicknell, Bruce, Cassels, Farewell, Guthrie, Hogg, Hoskin, Harcourt, Lash, McMaster, McPherson, Northrup, Ritchie, Smith, Shepley and Strathy.

It was moved by Dr. Hoskin, seconded by Mr. Guthrie, that Sir Aemilius Irving be elected Treasurer for the ensuing year. Carried.

The following members of Convocation were appointed a Special Committee to strike the Standing Committees for the ensuing year:—Messrs. Hoskin, Lash, Strathy and Bruce.

The said Committee reported the following members of Convocation to compose the Standing Committees for the ensuing year.

*Finance.*—Messrs. A. B. Aylesworth, A. Bruce, Walter Cassels, A. H. Clarke, G. C. Gibbons, F. W. Harcourt, John Hoskin, A. C. McMaster, W. D. McPherson, C. H. Ritchie, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Reporting.*—Messrs. J. Bicknell, Walter Cassels, D. Guthrie, W. D. Hogg, Z. A. Lash, G. Lynch-Staunton, S. G. McKay, A. C. McMaster, W. D. McPherson, J. W. Nesbitt, C. H. Ritchie, G. F. Shepley, G. H. Watson, M. Wilson.

*Library.*—Messrs. A. B. Aylesworth, S. H. Blake, Walter Cassels, J. M. Glenn, F. W. Harcourt, G. Lynch-Staunton, Wallace Nesbitt, W. B. Northrup, C. H. Ritchie, G. F. Shepley, E. Sydney Smith, M. Wilson.

*County Libraries.*—Messrs. R. Bayly, A. Bruce, F. H. Chrysler, J. E. Farewell, G. C. Gibbons, J. M. Glenn, D. Guthrie, S. G. McKay, J. W. Nesbitt, W. B. Northrup, H. H. Strathy, M. Wilson.

*Legal Education.*—Messrs. J. Bicknell, Walter Cassels, J. E. Farewell, J. M. Glenn, D. Guthrie, F. W. Harcourt, John

Hoskin, Z. A. Lash, G. Lynch-Staunton, A. C. McMaster, W. D. McPherson, C. H. Ritchie, H. H. Strathy, G. H. Watson.

*Discipline.*—Messrs. R. Bayly, A. Bruce, J. E. Farewell, J. J. Foy, W. D. Hogg, John Hoskin, S. G. McKay, W. D. McPherson, Wallace Nesbitt, W. B. Northrup, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Journals and Printing.*—Messrs. A. Bruce, J. Bicknell, F. H. Chrysler, A. H. Clarke, G. C. Gibbons, J. M. Glenn, F. W. Harcourt, D. B. Maclellan, A. C. McMaster, W. D. McPherson, E. Sydney Smith, W. R. White.

Mr. W. H. Cross was appointed auditor for the ensuing year.

A report was presented by the Discipline Committee that in each of the following cases the complainant had been informed by letter written under direction of the Committee that the subject of complaint is a matter fully provided for by remedies enforceable in the Courts and one into which the Law Society does not deem it necessary to enquire until the ordinary remedies are exhausted: G. A. Marsan, advocate, against Mr. A. B., the Wilson Varnish Company against Mr. C. D., H. W. Kerr against Mr. C. D., G. Lewis against Mr. E. F., E. C. Kingwell against Mr. G. H., Geo. Everett against Mr. J. K., and Messrs. Scott & Briggs against Messrs. L. & M. The report was adopted.

Upon the communications dated 21st May from the Attorney-General's Department respecting the conduct of Mr. N. O. charged with compounding a felony and Mr. P. Q. suggesting subornation of perjury, the Committee recommended that Convocation communicate with the Deputy Attorney-General and inform him that at this stage the Law Society cannot interfere, such being in accordance with precedents heretofore adopted; that upon the result of criminal proceedings if instituted, whether conviction or failure, the Law Society may deem it necessary to act, and that if the Attorney-General's Department do not order a prosecution, the Law Society respectfully requests to be informed. Ordered that the Secretary do transmit a copy of the above resolution to the Attorney-General's Department.

Ordered, upon a report of the Legal Education Committee that the Special petition of Mr. C. F. Mitchell for admission be granted. That in the case of Mr. H. W. Page, his service be al-

lowed. That Mr. M. F. Pumaville be called to the Bar and upon completion of his service do receive his certificate of fitness. That the service of Mr. E. A. Wright be allowed and that he be called to the Bar and do receive his certificate of fitness. That the petition of Mr. W. F. McRae be refused, his service being insufficient. That the following gentlemen whose papers and service are correct be called to the Bar and do receive their certificates of fitness: A. E. Lyon, G. A. Watson, M. Dingwall.

The report of the Principal of the Law School for the session of 1906-1907 was read as follows:—

Law School, 30th April, 1907.

Z. A. Lash, Esq., K.C.,

Chairman, Legal Education Committee.

Dear Sir,—

I beg to submit herewith my report for the term of 1906-7, as follows:—

1. The number of students registered during the term was

1st year . . . . . 58

2nd year . . . . . 42

3rd year. . . . . 43

— 143

Two of the first year men dropped out during the year.

2. Herewith are Schedules A. and B. respectively shewing the names of those who have duly attended the lectures or have been prevented from doing so by illness or other cause.

3. The number of lectures delivered by the respective lecturers is as follows:—

The Principal . . . . . 236

Mr. Armour, K.C. . . . . 95

Mr. Marsh, K.C. . . . . 101

Mr. King, K.C. . . . . 90

Mr. Young. . . . . 105

— 627

4. In addition to the regular lectures, special ones were de-

livered as follows:—

Third Year, Morning Lectures, 1907.

Jan. 11. The Law of Costs.—W. E. Middleton, Esq.

Jan. 18. The Law of Costs.—W. E. Middleton, Esq.

Jan. 25. Interlocutory Applications.—J. H. Moss, Esq.

Feb. 1. Preparation for Trial.—N. W. Rowell, Esq., K.C.

Feb. 8. Certiorari and Prohibition.—W. H. Blake, Esq., K.C.

Feb. 15. The Joint Stock Companies Act.—C. A. Masten, Esq.

Feb. 22. The Joint Stock Companies Act.—C. A. Masten, Esq.

Attendance at these lectures was voluntary.

Jan. 11. Legal Ethics.—The Hon. Sir John A. Boyd, K.C.  
M.G., Chancellor of Ontario.

Jan. 18. Municipal Act.—The Hon. Charles Moss, LL.D.,  
Chief Justice of Ontario.

Jan. 25. Certain Sources of the English Law.—The Hon. Mr.  
Justice Riddell, King's Bench Division.

Feb. 1. The Banking System of Canada.—Z. A. Lash, Esq.,  
K.C., Chairman Legal Education Committee.

Feb. 8. The Municipal Act.—The Hon. Sir W. R. Meredith,  
LL.D., Chief Justice of the Common Pleas.

Feb. 15. The Municipal Act.—The Hon. Sir W. R. Meredith,  
LL.D., Chief Justice of the Common Pleas.

Feb. 22. The Municipal Act.—The Hon. Sir W. R. Meredith,  
LL.D., Chief Justice of the Common Pleas.

March 1. Procedure under Winding-up Acts.—His Honour  
Judge Hodgins, Judge of the Admiralty  
Court.

March 8. Practical Suggestions for Solicitors.—Hamilton  
Cassels, Esq., K.C.

Attendance at these lectures was obligatory.

5. The average attendance at lectures during the term was:

Third Year . . . . .	39
Second Year . . . . .	35
First Year . . . . .	50

— 124

6. The discipline and attention were on the whole satisfactory.

7. I desire to reserve my nominations for the position of stu-

dent librarians until after the results of the examinations have been announced.

N. W. HOYLES,  
*Principal.*

Ordered upon a report of the County Libraries Committee that an advance by way of loan under the Rules of \$450 be made to the Kent Law Association repayable in ten equal annual payments, security being given in the usual form, and also upon a report by the same Committee that an advance by way of loan under the Rules of \$350 be made to the Lambton Law Association on the same terms.

Ordered, upon a report of the County Libraries Committee that Mr. Duncan Donald be appointed Inspector of County Libraries for the year 1907, and that he be paid the sum of \$225, to cover his fee and expenses on completion of such service, on the certificate of the Chairman of the County Libraries Committee.

The following report from the Library Committee was presented:—

To the Benchers of the Law Society of Upper Canada in Convocation.

The Library Committee beg to report as follows with regard to the request for further aid for the Canadian Law Library in London referred to them by Convocation:—

Your Committee suggest that an effort be made to bring about negotiations between the Federal authorities and the Home Authorities with a view to securing accommodation for the Library in the building in which the Judicial Committee of the Privy Council holds its sittings, and that in the meantime the question of further aid to the Library should be allowed to stand.

Individual efforts looking in the direction of the transfer mentioned above have been made by Counsel to whom the use of the Library is important, and have received substantial encouragement from the Home authorities. It is hoped that representations from the Federal authorities in the matter will be successful.

The report was adopted.

The following report from the Library Committee was presented:—

To the Benchers of the Law Society of Upper Canada in Convocation.

The Library Committee beg to report as follows with regard to the resolution of the County of York Law Association, referred to them by Convocation, asking that a set of the Law Reports of the Province of Ontario be presented by the Law Society to the Royal Colonial Institute:—

Your Society possesses no stock of the Law Reports of this Province and the purchase by it of a set for presentation as requested would entail an expenditure of five or six hundred dollars.

The Canadian Law Library in Victoria St., London, S.W., contains an extensive collection of Dominion and Provincial law reports and statutes, together with a complete set of the Law Reports (Eng.) and a number of other legal publications. This library, which was established ten years ago for the use of Canadians having legal business in London and is not far distant from the rooms of the Judicial Committee of the Privy Council, was founded by means of contributions of books from the Dominion Government and the various Provincial Governments, and a gift by your Society of a large number of volumes of our reports then held in stock, and a like number which your Society purchased for the purpose at a cost of \$365. A number of leading legal firms and prominent counsel throughout the Dominion also made cash contributions to the project. These gifts have been supplemented from year to year since by the Dominion and Provincial Governments and your Society, and the cost of maintenance is borne by the Dominion Government. Canadians have free access to the Library. Your Committee beg to report that, in view of these facts, and, as the resolution of the County of York Law Association states that “nearly all the colonies of the British Empire and also the Dominion of Canada have presented copies of their reports to the Institute” the present application is, in their opinion, one which should

be made to the Government of this Province, and cannot be entertained by your Society.

The report was adopted and it was ordered that a copy thereof be forwarded to the County of York Law Association.

The letter of Messrs. MacMurchy and Denison, of the 19th February, 1907, asking for an extension of the privilege granted them to publish copies of Railway Cases appearing in the Ontario Law Reports for a further period, was read and referred to the Reporting Committee with power to act.

The letter of Mr. Angus MacMurchy, Secretary-Treasurer of the Committee appointed to carry out the object of perpetuating the memory of the late Christopher Robinson, K.C., dated 24th April, 1907, was read and referred to a Joint Committee composed of the Finance and Legal Education Committees to consider and report as to the power of the Law Society and all questions relating to the whole matter.

The letter, dated 28th March, 1907, of Messrs. Geo. F. Harman, A. H. F. Lefroy and G. A. Boomer, of the Reporting Staff, as to supplying the Canada Law Journal with early notes of decided cases was referred to the Reporting Committee for report.

Saturday, May 25th.

Present:—The Treasurer and Messrs. Bicknell, Bruce, Gibbons, Harcourt, McMaster, McPherson, Shepley, Strathy and Watson.

Ordered, upon a report of the Legal Education Committee that Mr. H. N. Baker be called to the Bar.

The following gentlemen were then called to the Bar:—Messrs. Edgar Ainslie Wright, Albert Ernest Lyon, Harold Norcliff Baker, Morley Franklin Pumaville and Malcolm Dingwall.

Friday, June 7th.

Present:—The Treasurer and Messrs. Bicknell, Bruce, Cassels, Guthrie, Harcourt, Latchford, McMaster, McPherson, MacLennan, Ritchie and White.

Ordered, upon a report of the Legal Education Committee, that the special petitions of Mr. J. M. Langstaff and Mr. B. Collins for admission be granted. That the petition of Mr. D.

B. Mulligan for allowance of service and examination be refused. That the following gentlemen be called to the Bar and receive their certificates of fitness as solicitors:—T. B. McQuesten, H. W. Page, A. D. Wilson, W. C. Creig, R. LaBrosse. That Mr. F. D. Byers be called to the Bar with honours. That Mr. I. S. Fairty's service be allowed as sufficient and that he be called to the Bar with honours and Gold Medal and do receive his certificate of fitness.

Mr. Watson from the Joint Committee appointed on the 23rd May presented the following report:—

To the Benchers of the Law Society of Upper Canada in Convocation.

The Joint Committee composed of the Finance and Legal Education Committees to which was referred the letter of Mr. Angus MacMurchy, Secretary of the Committee appointed to carry out the project of perpetuating the memory of the late Christopher Robinson, K.C., for consideration and report as to the power of the Law Society and all questions relating to the matter, beg to report:—

Your Committee is of opinion that the present Trustees in charge of the fund should make provision with a Trust Company whereby the Company would take the fund under a special deed to hold in perpetuity upon terms to be settled, the income to be paid annually or semi-annually to the Law Society for application by the Society as in its discretion may be deemed proper and best, having regard to the purpose and the wish of the subscribers.

The report was adopted and it was ordered that the Secretary do send a copy thereof to Mr. MacMurchy and inform him that it had been adopted to-day.

Mr. Watson from the Finance Committee reported as follows:—

The Finance Committee to which was referred the consideration of the investment of the surplus fund of the Society begs herewith to submit certain proposals made for such investments and desires the further direction of Convocation.

The report was accompanied by the letters of proposal referred to.

Ordered upon motion of Mr. Bruce that the investments be in Municipal Debentures, so that four per cent. payable half-yearly be secured to the Society, the investments to be guaranteed either by the Toronto General Trusts Corporation or National Trusts Company, Limited, and that the Finance Committee be instructed to carry out this principle as to \$60,000 of Law Society funds and \$7,600 on behalf of the Phillips Stewart bequest.

Ordered, upon the report of the Reporting Committee that Messrs. MacMurchy and Denison be granted an extension for five years of the permission to use the reports and head-notes of cases in the Ontario Law Reports, the Canada Law Book Company stating that they had no objection thereto.

The following gentlemen were then introduced and called to the Bar: Messrs. Irving Stuart Fairty (with honours and Gold Medal), Mr. Fitzgerald Douglas Byers (with honours) Mr. George Alexander Watson, Alexander Douglas Wilson, Thomas Baker McQuesten, Harry Williamson Page, Wilfrid Cheevers Creig, Raoul La Brosse.

Mr. Watson from the Finance Committee presented a report upon the question of Scholarships and Medals which was referred to a Joint Committee composed of the Finance and Legal Education Committees for consideration and report.

Tuesday, 25th June.

Present:—The Treasurer and Messrs. Bayly, Bicknell, Bruce, Harcourt, McMaster, McPherson and Strathy.

Ordered, upon a report of the Legal Education Committee that the following gentlemen be allowed their First Year Examination: F. L. Bastedo (with honours and Scholarship of \$100), F. W. Wegenast and A. H. Dowler each with Scholarship of \$60, H. W. A. Foster, A. C. Grant, C. E. H. Freeman and J. J. Gray (each with a Scholarship of \$40), J. F. Lash, R. Wherry, J. McEwen, L. Davis and C. E. Bothwell all with honours, also J. S. McKessock, G. R. Roach, A. T. Davidson, C. M. McFarlane, H. S. Wood, R. J. Byrnes, J. C. A. Seguin, G. A. Davidson, A. A. Ingram, S. B. Vankleek, F. T. Treleaven, A. M. Harley, T. F. Hall, J. D. Bissett, M. Macdonald, W. S. Edwards, B. W. Essery, H. G. Meir, W. C. Brown, A. S. MacIntosh, J. P. Crawford, R.

R. Perry, J. A. Clark, M. Grant, J. Carrick, D. C. McTavish, G. E. C. McCann, B. D. Hall, J. E. Caldwell, C. G. Locke, F. H. Lytel, F. E. Harper, F. H. Keefer, F. H. Greenlees, W. V. M. Shaver, W. S. Morlock.

That the following gentlemen be allowed their Second Year examination:—L. M. Singer with honours and Scholarship of \$100, S. J. Arnott with Scholarship of \$60, W. J. McKay, O. F. Taylor, N. D. Maclean, F. S. S. Dunlevie, R. R. Waddell, each with a scholarship of \$40, A. M. Manson, with honours, also C. Garvey, E. B. Spencer, A. C. Heighington, M. Lockhart Gordon, W. E. Williams, W. A. Gordon, J. C. Sherry, H. C. Macdonald, H. J. Macdonald, Miss G. Hewson, N. E. McKittrick, D. J. Cowan, H. Howitt, J. N. Black, J. F. Boland, W. A. Henderson, E. C. Spere-man, E. W. Wright, G. R. Brady, R. J. V. McGowan, H. P. Cook, G. G. Plaxton, A. L. Bitzer, S. C. Kirkland, G. A. Cruise, F. Watt, D. J. O'Donoghue, J. H. Hopkins, W. B. Mudie, S. C. Kirkland.

That Mr. A. G. Ross do receive his certificate of fitness as a solicitor upon presenting the proper proofs of the completion of his service which does not expire until the 26th inst. That the following gentlemen be called to the Bar and receive their certificates of fitness: J. Mitchell and G. D. Kelley. That Mr. A. G. Ross be called to the Bar with honours and do receive a bronze medal. That Mr. F. D. Byers do receive his certificate of fitness.

The letter of Messrs. Blake & Redden of the 7th June instant in reference to the Canadian Law Library in London was referred to the Library Committee with a request that the Committee report to Convocation thereon as well as upon the part of the subject already referred to them.

The letter of Mr. F. W. Harcourt, Official Guardian, of 24th June, relating to the conduct of a solicitor, written in pursuance of instructions from the Hon. the Chancellor of Ontario was read, and the letter and enclosures were referred to the Discipline Committee with instructions to proceed with all due promptness towards investigating the matters suggested by the Chancellor.

The following gentlemen were then introduced and called to the Bar: Messrs. Austin Gregory Ross (with honours and bronze medal), John Mitchell, George David Kelley.

## LAW SOCIETY OF UPPER CANADA.

TRINITY TERM, 1907.

THURSDAY, Sept. 12, 1907.

PRESENT: The Treasurer and Messrs. Bicknell, Bruce, Cassels, Clarke, Farewell, Glenn, Harcourt, Hoskin, Lynch-Staunton, McKay, McPherson, Northrup, Ritchie, Smith and Watson.

The letter of Mr. R. M. Dennistoun to the Treasurer was read as follows:—

WINNIPEG, Aug. 12th, 1907.

Dear Sir Æmilius Irving,

With much regret I place in your hands my resignation of the office of Bencher of the Law Society of Upper Canada.

Having been called to the Bar of Manitoba I will reside for the future in Winnipeg and can no longer attend to the duties or share the privileges of the office.

I have the honour to be,

Your obedient servant,

R. M. DENNISTOUN.

Convocation ordered that a special call of the Bench be made for Thursday, the 21st day of November, 1907, to elect a Bencher in succession to Mr. Dennistoun.

The letter of Mr. Geo. A. Boomer, of 9th Sept., resigning his office as Reporter, was read. Ordered that in view of Mr. Boomer's letter it is deemed a proper time to consider the whole subject of the system of reporting and that it be referred to a committee to be composed of the Reporting Committee and the chairmen of the other standing committees to deal with the subject generally; and that meanwhile Mr. Boomer be requested to continue until Convocation deals with his resignation.

Dr. Hoskin, from the Discipline Committee, presented a report on the case of the solicitor which was referred to the Committee as mentioned in the minutes of the meeting of Convocation of 25th June last.

The report was received and it was ordered that same be

taken into consideration on Thursday, the 21st day of November, 1907, being the first day of meeting in Michaelmas Term, and that in the meantime the Secretary do distribute a copy to the Benchers only and a copy to Mr. — and his counsel.

Upon the subject of the approaching visit of the Right Honourable Lord Loreburn, Lord Chancellor of England, Convocation was waited upon by a deputation from the County of York Law Association consisting of Messrs. Dyce Saunders, William Davidson and John H. Moss.

After discussion, Convocation appointed Messrs. Watson, Harcourt and Bicknell as its representatives on a joint committee to be composed of members of Convocation and of the County of York Law Association in relation to any attention or entertainment to be tendered to the Lord Chancellor.

Mr. Bicknell was elected as representative of the Law Society on the Senate of the University of Toronto pursuant to the statute.

Ordered upon a report of the Legal Education Committee that the usual advertisement calling for applicants to fill a vacancy in the office of Examiner be published and that a special call of the Bench be made for 21st November, 1907, for the purpose of appointing an Examiner under Rule 39.

Ordered that the petitions of Messrs. R. A. Bonnar and K. G. Robertson for call to the Bar under the Rules in Special Cases be referred to the Legal Education Committee for action, examination and report.

Convocation then rose.

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FRIDAY, Sept. 13th, 1907.

PRESENT: The Treasurer and Messrs. Bicknell, Bruce, Harcourt, McMaster, McPherson, Watson and White.

Ordered upon a report of the Legal Education Committee that the petition of Mr. J. M. Langstaff be not granted. That Mr. A. A. Fraser and Mr. A. W. Bixel do receive their certificates of fitness after Convocation has risen, upon production to the Secretary of the proper proofs of completion of their service. That the lateness of notices for call given by Mr. A. W. Bixel

and Mr. H. W. Shapley be waived. That Mr. C. V. Lindsay do receive his certificate of fitness. That Mr. Ethelwolf-Scatcherd, a solicitor of over ten years' standing, be called to the Bar. That Mr. J. E. Parsons, who has satisfied the Principal as to a certain deficiency in his attendance on lectures be allowed his second year examination. That the following gentlemen be called to the Bar and receive their certificates of fitness: Messrs. D. Forrester (with honours and silver medal), P. J. Montague, S. P. Grosch and E. V. O'Sullivan, with honours; E. Miall. That Mr. H. D. McCormick be called to the Bar. That Messrs. R. A. Bonnar, a member of the Bar of the Province of Manitoba, and K. G. Robertson, a member of the Bar of the Province of Quebec, be called to the Bar.

The following gentlemen were then introduced and called to the Bar: David Forrester (with honours and silver medal), Percival John Montague (with honours), Solomon Peter Grosch (with honours), Edward Vincent O'Sullivan (with honours), Edward Miall, Harold Duncan McCormick, Ethelwolf-Scatcherd, Robert Alexander Bonnar, Kenneth George Robertson.

Convocation directed that the Special Committee appointed yesterday on the subject of the question of reporting and other matters connected therewith and Mr. Boomer's resignation be requested to send in their report to the Secretary on or before the 1st of November.

Convocation then rose.

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FRIDAY, Sept. 20th, 1907.

PRESENT: The Treasurer and Messrs. Bayly, Bicknell, Bruce, Chrysler, Farewell, Guthrie, Gibbons, Harcourt, Hoskin, Lash, Maclellan, McPherson, Nesbitt (Wallace), and Wilson.

The letter of Lord Loreburn, the Lord Chancellor of England, of the 14th inst., addressed to the Treasurer, was read as follows:

King Edward Hotel,  
TORONTO, 14th Sept., 1907.

Dear Sir Æmilius,

I have been very vexed at not being able to accept your most kind invitation to lunch. But I landed at after midnight on

Thursday and have been in the train till I reached Toronto 8.30 last night quite tired. I am only staying an hour or two in Toronto and go on to-day to Niagara Falls and thence down the River on the way to Quebec in order to start on 20th, my voyage being one of rest and fresh air.

I do hope that some other time I may be privileged to meet the Bar of Ontario, but this time I fear it is impossible.

With kind regards,

I am yours faithfully,

LOREBURN.

The letter of Mr. Geo. A. Boomer, of 16th instant, was read and referred to the Special Committee appointed 12th inst. in relation to the subject of reporting.

Ordered upon a report from the Legal Education Committee that the service of Mr. H. A. Chadwick be allowed as sufficient. That the following candidates be called to the Bar: Messrs. K. F. Mackenzie and C. C. Robinson (with honours), A. A. Fraser, H. W. Shapley, Miss G. B. Robinson, A. W. Bixel, H. A. Chadwick, W. E. Lear, A. T. Bowlby. That the foregoing, with the exception of Mr. Fraser and Mr. Bixel (whose periods of service have not expired) do receive their certificates of fitness as solicitors.

Mr. Bicknell gave notice that he would move at the next meeting of Convocation: That it be referred to the Legal Education Committee to consider and report at an early day or such day as Convocation may fix what persons are or should be admitted as students-at-law in the graduate class and whether the present qualifications should be extended.

The following candidates were then introduced and called to the Bar: Kenneth Ferns Mackenzie (with honours), Christopher Charles Robinson (with honours), Arthur Angus Fraser, Harold Wilson Shapley, Miss Geraldine Bertram Robinson, Arthur Winlow Bixel, Henry Austin Chadwick, Walter Edwin Lear, Allington Tupper Bowlby.

Convocation then rose.

## LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM.

Thursday, Nov. 21st, 1907.

Present, the Treasurer and Messrs. Bayly, Bicknell, Bruce, Cassels, Clarke, Farewell, Glenn, Guthrie, Harcourt, Hogg, Hoskin, McKay, McMaster, McPherson, Nesbitt (John W.), Northrup, Ritchie, Shepley, Smith, Strathy and Watson.

Pursuant to call of the Bench made on the 12th September, 1907, Convocation proceeded to the election of a Bencher in succession to Mr. R. M. Dennistoun, resigned. Mr. John McIntyre, K.C., of Kingston, was declared elected a Bencher by Convocation.

Convocation in pursuance of notice duly given under Rule No. 43 proceeded to the appointment of an examiner for the Law School in pursuance of Rule No. 39, the Legal Education Committee submitting a list of nine applicants, all being eligible. Mr. George M. Clark was declared elected and was appointed examiner.

Ordered upon a report of the Discipline Committee that the complaint against Mr. A. B. be referred to the Discipline Committee to investigate the charge and that the services of Mr. Duncan Donald be retained in the matter. That the complaint of Mr. Angus MacMurehy against Mr. C. D. be remitted to the Discipline Committee to investigate the charge.

Dr. Hoskin moved the adoption of the report of the Discipline Committee upon the case of a solicitor referred to in the proceedings of 25th June and 12th September of this year.

It was moved by Mr. Watson, that the consideration of the report be adjourned until the first day of Easter Term, 1908. Carried on a division.

Ordered that the application of Mr. Robert Laird Borden, a member of the Bar of the Province of Nova Scotia, for call to the Bar under the Rules in Special Cases, be referred to a Special Committee composed of Messrs. Watson, Shepley, Bicknell, Clarke and Ritchie, for examination and report. The Special Committee reported that they had examined the papers and

proofs submitted by Mr. Borden and found same correct and regular, and that he passed a satisfactory examination. Ordered that Mr. Borden be called to the Bar. Mr. Borden was introduced and called to the Bar.

Mr. Ritchie, Chairman of the Special Committee appointed on 12th September last, on the subject of the system of reporting, reported as follows:—The Committee begs to report that inasmuch as the matter was fully considered and dealt with by Convocation in Michaelmas Term, 1905, and a contract for printing and publishing entered into with the Canada Law Book Company which extends to 8th December, 1910, and four reporters appointed whose terms of office do not expire until Hilary Term, 1909, it is not advisable to make any change at the present time, and your Committee recommends that Mr. Boomer's resignation be accepted and applications to fill the vacancy called for. Your Committee sends herewith Mr. Boomer's letter of 16th September last, to the Secretary, in which he expresses pleasure in complying with the request of Convocation that he should continue in discharge of his duties until such time as his resignation can be dealt with.

Mr. Watson moved that the report be referred back to the same Committee and that the Committee be requested to consider the necessity of a change in the system of reporting and to make recommendations of any and what changes it would be desirable to make in the said system. Lost on a division. The report was then adopted.

Ordered, on motion of Mr. Ritchie, that applications for the Reportership now held by Mr. Boomer, to fill the same for the period terminating the last day of Hilary Term, 1909, be called for, to be made and filed not later than 4th December, and that notice of intention to make the appointment be given in accordance with Rule No. 43.

Ordered on motion of Mr. Bicknell that it be referred to the Legal Education Committee to report during the present term if possible, whether any and if so, what persons should be admitted as students at law in the graduate class in addition to those now entitled to be admitted thereto.

Mr. Watson, from the Finance Committee, submitted a draft Trust Deed providing for the investment of the fund subscribed

by members of the legal profession known as the Christopher Robinson Memorial Fund. The draft contains the amendments thereto approved by the Committee. The Committee refers Convocation to its resolution of the 7th June, 1907, adopting a report of a Joint Committee upon this subject and asks for the directions of Convocation. The Committee also submits the letters of Mr. MacMurehy of the 20th September, 1907, and Messrs. Rolph Clark Co. of the 14th October, 1907, upon the subject of the erection of a tablet to the memory of Mr. Christopher Robinson and asks for directions in regard thereto.

The report was adopted including the draft agreement, which is set out on the minutes.

Convocation then ordered that the agreement be duly executed and that one copy be filed with the Secretary of the Law Society and also that the tablet may be placed in position as the Committee may direct subject to such changes as Convocation may hereafter deem to be expedient and proper.

Mr. Shepley, from the Library Committee, reported as follows:—

The Library Committee has had under consideration the remuneration paid to the Librarian. He has not himself made any application upon the subject.

He entered the service of the Society in 1891 at a salary of \$1,500 per annum. In 1892 his salary was increased to \$1,800 at which figure it has since remained. His exceptional qualification for the office, the assiduity and ability he has brought to the discharge of his duties and the extraordinary development of the Library during his tenure of office are well known to Convocation. The opinion of the Committee is that the salary paid him is entirely inadequate. His place could probably not be satisfactorily supplied at all, certainly not at anything like the figure paid him. The cost of living has very substantially increased since his salary was last under consideration. The Committee is of opinion that his salary should be increased to \$2,400 per annum, and that the increase should date from the beginning of the current month. The report was adopted.

Mr. Shepley then moved for leave to introduce a rule to amend Rule No. 46, with reference to salaries, by striking out

the words and figures "eighteen hundred" and inserting instead thereof the words and figures "two thousand four hundred."

Convocation permitted the rule to be introduced and it was introduced and read a first time as follows: "Rule No. 46 is hereby amended by striking out \$1,800 therein fixed as the Librarian's salary and inserting instead thereof "\$2,400."

Convocation then rose.

Friday, Nov. 22nd, 1907.

Present, the Treasurer and Messrs. Bicknell, Bruce, Harcourt, Hoskin, McMaster, McPherson, Ritchie, Shepley, Strathy, Watson and Wilson.

The letter, dated 21st November, of Mr. John McIntyre, acknowledging his election as Bencher was read.

Ordered upon a report of the Legal Education Committee that Mr. T. C. G. Russell do receive his certificate of fitness. That the following gentlemen be called to the Bar and receive their certificates of fitness:—Messrs. W. H. Gregory, A. Foulds, Jr., M. B. Peacock, J. G. Gibson (all with honours), J. J. W. Simpson, H. C. Moore, S. Watson. That Mr. Alexander Clark be called to the Bar and do receive his certificate of fitness upon proof of expiration of his term of service which does not expire until after the present term. That Mr. H. D. McCormick do receive his certificate of fitness. That Mr. A. E. Langman's special petition for admission be granted.

Ordered that the application of Mr. Alfred Neville Morine, a member of the Bar of the Province of Nova Scotia for call to the Bar under the Rules in Special Cases be referred to a Special Committee composed of Messrs. Strathy, McPherson and McMaster for examination and report.

Mr. Harcourt moved the second reading of the Rule introduced yesterday amending the Rule respecting the Librarian's salary.

The Rule was read a second time. Mr. Harcourt moved the suspension of the Rule respecting stages, and that the amending Rule be read a third time and passed. The Rule relating to stages was suspended and the Rule amending Rule No. 46 in

respect to the Librarian's salary, was read a third time and passed.

The Special Committee appointed to examine Mr. Alfred Neville Morine reported that they had examined the candidate and that he was entitled to be called to the Bar in accordance with the prayer of the petition. Ordered that Mr. Morine be called to the Bar.

The following gentlemen were then introduced and called to the Bar:—

Walter Herbert Gregory (with honours), Archibald Foulds, Jr. (with honours), Mark Bennett Peacock (with honours), Joseph Garfield Gibson (with honours), Alexander Clark, James Johnston White Simpson, Henry Claude Moore, Strafford Watson, Alfred Neville Morine.

Mr. Watson gave notice of motion as follows:—

Notice is given that a motion will be made by me in Convocation at the meeting thereof to be held on Friday, the sixth day of December, 1907, for the appointment of a Special Committee to inquire into the Reporting System of the Law Society and as to the present supply and publication of the Ontario Law Reports and particularly as to the policy pursued and the delays that have occurred in such publication and as to whether changes may not be made so as to lead to more satisfactory results to the members of the profession, with direction and power to the Committee to make full investigation and report upon the whole subject matter of the reporting system and the publication of the reports and as to the expense incident thereto.

Mr. McPherson gave notice of motion for the 6th December with respect to the amendment of Rule 99.

Convocation then rose.

Friday, Dec. 6th, 1907.

Present, the Treasurer and Messrs. Bicknell, Bruce, Cassels, Farewell, Guthrie, Harcourt, McMaster, McIntyre, McPherson, Nesbitt (John W.) and Ritchie.

Ordered on motion of Mr. Ritchie, that Mr. Boomer's resignation as Reporter be accepted and that the thanks of Convocation be tendered him for his long and efficient service.

Convocation, in pursuance of notice duly given under Rule No. 43, proceeded to the appointment of a Reporter in place of Mr. Boomer, and Mr. Goodwin Gibson was elected Reporter for the period terminating the last day of Hilary Term, 1909.

A report of the Discipline Committee was presented in which it was stated that in the cases of the complaints of Sarah Ferguson against Mr. E. F., Charles Barfitt against a solicitor (not named), Mrs. Boulton against Mr. G. H., and H. E. Crockford against Mr. I. K., the complainants have been informed that no action can be taken by this Society, and that a letter from Mr. Donald Anderson asking for information had been answered. The report was adopted.

Mr. Bicknell from the Legal Education Committee presented the following report:—

The Legal Education Committee has considered the matters referred to it by Convocation with reference to the admission of graduates and begs to recommend that graduates in the Faculty of Applied Science in the University of Toronto be admitted to the Society as students at law and articled clerks upon the same terms as graduates in Arts, and that the Rules of the Society be amended for this purpose. The Committee further recommends that the amendment shall apply retrospectively so as to include any graduate in Science now on the books of the Society.

Leave was given to Mr. Bicknell to introduce a Rule to amend Rule No. 105 and add thereto as follows:—

105(a). A graduate in the Faculty of Applied Science of the University of Toronto shall be entitled to be admitted on the books of the Society as a student at law or articled clerk, and subject to the same terms and conditions as a graduate in the Faculty of Arts is or shall for the time being be entitled to admission thereon.

Every such graduate shall be entitled to be called to the Bar and enrolled as a solicitor after a like period of service and on and subject to like terms and conditions as are and shall for the time being be applicable to a graduate in the Faculty of Arts.

The provisions of these Rules shall apply retrospectively so as to entitle any such graduate who has heretofore been ad-

mitted on the books of the Society and has not been called to the Bar or admitted or enrolled as a solicitor to apply to be so called or admitted and enrolled after the like period of service as is required in the case of graduates in Arts.

The Rule was read a first time and ordered to be read a second time at the next regular meeting of Convocation.

Ordered upon the report of the Legal Education Committee that the application of Mr. Gordon Russell who has been admitted as a solicitor under the Rules in Special Cases asking for consideration of the question of his being called to the Bar be refused. That the application of Mr. Alfred Bishop Morine for a certificate of fitness as a solicitor, he not having taken the final examination, be refused.

The motion of which Mr. Watson had given notice, with respect to the system of reporting, was directed to stand until the first day of meeting next term.

Mr. McPherson pursuant to notice given on the 22nd November moved:—That it is desirable that Rule 99 be amended by inserting after the word “against” in the first line thereof the words “a solicitor or.”

Ordered accordingly and leave was given to introduce such amendment to the Rule, and the amending Rule was read a first time and ordered to be read a second time at the next regular meeting of Convocation.

Convocation then rose.



TO THE TREASURER AND BENCHERS OF THE LAW  
SOCIETY OF UPPER CANADA.

GENTLEMEN,—

In accordance with your instructions I have inspected the Law Libraries other than at Kenora, and beg to submit my report.

The libraries have during the past year continued to answer the purposes for which they were established, and I think to a greater extent than ever. There is a greater desire to make the libraries complete and attractive, and absolutely necessary to the practising solicitor, and to this end a great deal of energy and careful thought has been expended, the result of which is readily seen. It must be a great satisfaction to those practising where the library is housed in a large and commodious room, and well lighted and convenient to the Court room and Chambers, with attractive and comfortable furniture, books clean and well arranged and kept up to date by annotations; in fact everything calculated to make the task of the reader pleasant and agreeable. There are some libraries in which it would be difficult to suggest any improvement, but there are others where the ideal is far from being reached. Why any Association should be content to have a mere collection of books, when improvements, which would mean greater comfort and usefulness, have been suggested time and again, and can be carried out with a little attention and effort, is hard to understand.

Unfortunately, many of the Court Houses have not been located for convenience, and are old and the accommodation given to the library is of the poorest kind, and the Association is handicapped from the beginning. But if, even in these cases, the Associations could require the County Councils to do what they are bound to, the result would be a great improvement. In this regard some of the Associations have not yet seized the idea that the library is not to be a thing of to-day, but is to last for all time, and that an addition of even twenty or thirty volumes a year means that much space will be required as the years go by.

The accommodation where proper foresight is not used soon becomes inadequate.

Wherever opportunity offers, by reason of new buildings, the Association should insist on being consulted and provided with suitable quarters, sufficient for years to come and with the necessary furniture and fixtures. And speaking of furniture, the aim should be to secure attractiveness and comfort as well as usefulness.

The cleanliness of the room, furniture and books is also an important matter in the usefulness of the library, and should receive more attention. This duty usually falls to the janitor of the building, and if the rest of the building is no cleaner than the library is in some cases, it is a disgrace to the Council. Allowance has to be made for the dust of summer and the open window, and special provisions should be made for cleaning during the summer months. It, no doubt, cannot be expected that the janitor will thoroughly dust the books and shelves, and I think every Association should have the library thoroughly cleaned and dusted at least once a year, say after the summer and the summer's dust has passed and gone. This could be done at a small cost and would be money well spent.

It has been my object to have every Association instal a librarian more or less permanent. Even for the purpose of seeing that the library is kept tidy and clean and the borrowed books promptly returned, the extra expenditure is worth while, but when in addition to this, it is possible to obtain the services of one who can and will annotate the reports and statutes the benefit cannot, I think, be valued in dollars and cents. And it is possible to get such a person, as is proved by the experience of several of the Associations who have followed my suggestions and tried it, and the good results are very apparent. It proves to be, instead of an expenditure, an investment bringing in good returns; for the Association is much strengthened, and it is seldom the case, where this is done, that the members of the profession are not anxious to become members, and to retain their privilege; for a privilege it is. In some Associations the decisions of the Courts are even entered and noted in the text books bearing on the subject under consideration, in addition to being noted in

reports and statutes. It is not, of course, always possible to find one who is qualified to do this without instruction, but a few hours, from time to time, spent by any member of the Association in advising any one of moderate intelligence would soon result in the necessary qualification being attained. As wages for all kinds of labor have advanced, it is not possible to obtain this service as cheaply as formerly, and where an honest endeavor is being made to bring about this very desirable end, the Society should be liberal in its allowance for librarian's salary.

There are some Associations whose membership is not as large as it could be, and I cannot but come to the conclusion that it is largely their own fault, for, instead of absolutely refusing to allow the use of the library to non-members, and treating them as one would a trespasser on his own property, the enforcement of the rules is lax, and the consequence is, that without paying anything, these persons have the full use of a library representing the money and energy of those who pay. The library is absolutely necessary to them, and if prevented from access to it, they would soon see the wisdom of becoming members of the Association. Personal feelings should be subjected to the good of the Association and should not be allowed to condone any breach of the rules of the Association. Why any one, a member of the profession, should refuse to pay the paltry fee required for access to books necessary to him and his work, and worth thousands of dollars, is hard to understand, but why any member of an honorable profession would, in defiance of warning, take and use, for his own purposes, the property of others is incomprehensible. The County Judges can aid the Association in this matter very much. Where the Judges and the Association work together, there is more life and vigor, and the library is better maintained.

It is evident from an inspection of all these Associations that the principal element of success is the personal interest of the members. Where the personal element is lacking, no matter how efficient the officers and servants of the Association may be, the library suffers. Even where the fees paid by the members have been increased for the purpose of providing a larger income, it does not overcome the lack of personal interest.

With reference to the purchase of books, the members should take the matter personally in hand, and purchase those books which are suitable and necessary for their own use. The advice of book sellers should not be followed without due consideration by the members.

As the Judges and county officers have the use of the libraries in some cases as honorary members, the County Council should aid, by a yearly grant, the county Associations in maintaining the local library, as it is of the greatest assistance to them in the discharge of their duties. In quite a few instances this is done, but it should be general.

It does not appear to be possible to overcome the book borrower without limiting the use of the library to a great extent. Resolutions forbidding it, and even pledges of individual members, are overcome and forgotten as exigency arises. Such being the case, it would be well to recognize the difficulty and seek to overcome its bad result, viz., the detention of the book beyond a reasonable time. A librarian can see that the books are brought back, but where no librarian is employed a register should be placed in a conspicuous and handy place and a notice that would be sure to be seen placed so that no one going from the library could help but see it. The members themselves should have sufficient consideration for their fellow members to see that any book borrowed is promptly returned, and not wait until the secretary or curator calls for it. The register might be indexed with each member's name, and so ruled that the date and the name of the book only have to be written.

The Association's records are in many cases not kept in such a manner as the permanency of its being should require. Minute and cash books should be well bound, strong and durable, so that reference may be had at any time to records of years ago. All things should be done with the continuity and permanence of the Association and libraries in mind. The Treasurer's books and statements each year should show a statement of assets and liabilities of the Associations. Catalogues and accessions books are having more attention paid to them, though this important matter is and has been very much neglected, recourse being had to invoices to ascertain when a book was purchased.

Each Association should place in a prominent position a list of those who have paid their fees and are entitled to use the library together with a notice that it is not for the use of any others. The names of those also in arrear are, in some cases, posted, and it appears to me only reasonable that it should be so.

The usual report of each individual is appended. All of which are respectfully submitted.

DUNCAN DONALD.

TORONTO, October 25th, 1907.



# LAW SOCIETY OF UPPER CANADA.

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## HILARY TERM.

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THURSDAY, 6TH FEBRUARY, 1908.

PRESENT: The Treasurer, and Messrs. Bruce, Cassels, Harcourt, Hoskin, Lynch-Staunton, McMaster, and White.

Dr. Hoskin, from the Discipline Committee, reported upon sundry complaints, as follows:—

1. Two complaints against Mr. A. B. (a) As to one of these that the Committee deemed it a case for investigation by the Courts and not by the Law Society; and (b) as to the other, that the complainant had not furnished the particulars and declarations required by the Committee, who therefore concluded that he had abandoned the complaint, and recommended that it should be dismissed.

2. As to the complaints of Mr. Arthur Ondierkirk against Mr. C. D., Mr. O. W. Kiely against Mr. E. F., and Bouch Bros. against Mr. G. H., that the Secretary has, under the direction of the Committee, written informing the complainants that the subjects of their complaints are provided for by remedies enforced in the Courts of Law, and that the Society does not deem it necessary to inquire into same.

3. As to the matter of Alfred Hall, a barrister and solicitor (arising out of the trial of an action of *Hall v. Berry*), which had been sent to this Society by the Junior Registrar of the High Court for investigation by direction of the Hon. Mr. Justice Riddell, the Committee communicated with the Crown Attorney, District of Nipissing, on the subject, and having received from him this reply:—

HERBERT MACBETH, ESQ., North Bay, December 11th, 1907.  
 Secretary Law Society,  
 Osgoode Hall, Toronto, Ont.

DEAR SIR:— (Hall v. Berry.)

I am in receipt of yours of the 9th instant, and in reply beg to say that after consultation with Judge Valin and Mr. Slaght, who acted as solicitor for Mr. Berry, I have decided not to institute criminal proceedings. The Judge says that he is not prepared to say which party gave false testimony, and his finding was based on what he considered the preponderance of evidence in Berry's favour.

Yours truly,  
 (Sgd.) A. G. BROWNING.

the Committee transmitted a copy thereof to the Junior Registrar that he might inform Mr. Justice Riddell, and reported that they could take no further steps in the matter.

The foregoing reports were adopted.

Convocation having on the 21st day of November, 1907, ordered that the complaint of Mr. Angus MacMurchy, barrister and solicitor, against Mr. William John Lockwood McKay, of Orangeville, barrister and solicitor, be remitted to the Discipline Committee to investigate the charge, the Discipline Committee this day reported thereon as follows:—

1. By a letter dated the 11th day of October, 1907, Angus MacMurchy, Esquire, a barrister and solicitor, addressed to the Secretary of the said Society a letter in the words following:—

CANADIAN PACIFIC RAILWAY COMPANY.  
 Law Department.

TORONTO, October 11th, 1907.

HERBERT MACBETH, ESQ.,  
 Secretary Law Society of Upper Canada,  
 Osgoode Hall, Toronto.

DEAR SIR:—

I enclose a letter from Mr. W. J. L. McKay, barrister and solicitor of Orangeville, to Andrew Wilson of Flesherton, which is dated 5th September. I am desired to ask that this letter be laid before the Benchers of the Society, in order that they may take such action thereon as they think the circumstances warrant.

As you are aware, a serious accident happened on the railway in the vicinity of Caledon on 3rd September.

This letter, and I am informed, a number of others similar thereto, were written by Mr. McKay to persons injured at that accident, with a view to obtaining from them retainers to act against the Company.

Yours truly,

(Encl.)

(Sgd.) ANGUS MACMURCHY.

The enclosures referred to in the said letter are in the words following:—

(Private and confidential.) ORANGEVILLE, ONT., Sept. 5th, 1907.

DEAR SIR:—

I have examined the scene of the wreck very fully, and am familiar with all the causes that led up to the accident. The accident was caused by the gross negligence of the Canadian Pacific Railway, to such an extent that you will be entitled to exemplary damages. It is the practice of railway companies to send out claims agents immediately after an accident of this kind and before people have had time to consider the extent of their injuries or know the full extent of damages which they may suffer by reason of the accident, and to endeavour at as early a date as possible to settle claims for small sums of money not at all adequate or equal to the damages sustained. They will also try to trap you into statements which they will endeavour to take down in writing, and which statements might be made by you without full knowledge of your injuries, and thus lessen your claim in Court in case you should not make a settlement. They will probably approach you with these ends in view, and I am writing to warn you to have nothing to do with the claims-agent of the railway company unless you deal with him at arms' length through a lawyer. After approaching you once, if they do not succeed, they will approach you a second time, and make use of statements that they will allege that you have made on the first occasion. This conduct on the part of great corporations is very reprehensible. On one occasion in my own practice a case that should have brought my client \$500 was foolishly settled by him for \$25, and this is the reason why I am taking the trouble to

warn you. I am acting for some parties who intend to fight their case and insist upon being paid what they consider a full measure of damages, and if you wish to join with us, all the suits can be fought at a much less cost. If so, sign the enclosed document and send it with a letter stating your injuries to me by return mail, and in the meantime have nothing whatever to do with the claims agent who will be sent to settle your claim. This letter is private and confidential and I trust you will so regard it.

Yours truly,

(Sgd.) W. J. L. MCKAY.

Mr. Andrew Wilson,

Flesherton, Ont.

(COPY OF RETAINER.)

ORANGEVILLE, ONT., Sept. 5, 1907.

I hereby agree to retain you as my solicitor to conduct an action for damages in my behalf for injuries sustained by me in the wreck of the train at the Horse Shoe curve, 9 miles south of Orangeville, on Tuesday, the 3rd day of September, 1907.

2. On the 4th day of November, 1907, the said Mr. MacMurchy addressed to the Secretary another letter, which is as follows:—

CANADIAN PACIFIC RAILWAY COMPANY.

Law Department.

TORONTO, November 4th, 1907.

HERBERT MACBETH,

Secretary Law Society of Upper Canada,

Osgoode Hall, Toronto.

DEAR SIR:—

Referring to my letter of 11th ult., I now enclose a further letter from Mr. W. J. L. McKay, barrister, of Orangeville, to Mrs. W. J. Stewart of Flesherton, which I request should be laid before the Benchers of the Society at the same time as the previous letter to Mr. Andrew Wilson of Flesherton, and for the same purpose.

Yours very truly,

(Encl.)

(Sgd.) ANGUS MACMURCHY.

3. The enclosures in the last mentioned letter are to the same effect as the enclosures referred to in the said letter of the 11th day of October, 1907, excepting the name of the person to whom they are sent.

4. Your Committee considered the said letters from Mr. MacMurchy, and the said enclosures, and found and reported to Convocation that a *primâ facie* case of professional misconduct and conduct unbecoming a barrister-at-law and solicitor had been shewn.

5. Convocation adopted your Committee's said report, and directed that the said complaint should be investigated as prescribed by the Rules of the Society, and before naming a day to proceed with the said investigation the Secretary, under instructions from your Committee, wrote to Mr. McKay as follows:—

9th December, 1907.

W. J. L. MCKAY, Esq.,  
Barrister and Solicitor,  
Orangeville.

SIR:—

I am directed by the Discipline Committee of the Law Society of Upper Canada to inform you that the attention of the Law Society has been drawn to certain letters written by you to persons who were injured in the railway disaster near Caledon on the 3rd of September, 1907, of two of which letters, namely, those to Mr. Andrew Wilson and Mrs. W. J. Stewart, I enclose you copies.

The Benchers in Convocation have found a *primâ facie* case of professional misconduct on your part, and have ordered an investigation.

Before proceeding therewith, I am to communicate with you and ask what is your attitude in respect of the above-mentioned letters. I request you to reply to me in writing at your early convenience.

I have, etc.,

(Sgd.) HERBERT MACBETH,

*Sec'y Law Society.*

And in answer thereto Mr. McKay addressed the following letter to the Secretary:—

ORANGEVILLE, ONT., Dec. 14th, 1907.

HERBERT MACBETH, ESQ.,  
Secretary Law Society,  
Osgoode Hall, Toronto.

SIR:—

In reply to your letter of the 9th instant with enclosures: As stated in the circular letter, I had some personal knowledge of the tactics of the claims agent. Upon another occasion where I sued the C.P.R. for damages for injuries to a boy, my client was continually pursued for settlement, and all kinds of tactics resorted to in order to compel him to settle at a nominal sum a claim which a jury afterwards assessed at \$1,000. For the protection of the claimants I made up my mind to warn them against this class of conduct, but I presume there is no objection to this part of the circular. The objection I presume is to the commercializing of the profession. Upon this point there is, as far as I am aware, no written rule of conduct or code of professional ethics, and it is well known that if desired very many breaches of professional etiquette might be discovered if the Society desired to use any diligence. Notwithstanding this, no circular or other rule is ever received drawing the attention of the profession to the matter, if indeed it is not a matter of some doubt, whether widows and orphans should be allowed to be swindled by great corporations on account of an implied rule of professional conduct, for unless a private incentive is provided in the shape of business, who is going to take the trouble to warn the helpless and injured against unprincipled corporations?

These are some suggestions for consideration, and at the same time some of the motives which I had in sending out the circular in question.

I have no desire, however, to offend in any way against what may be considered professional etiquette, and had I given the matter more thought would have asked a ruling before taking that step. In conclusion, I have no intention of pursuing this course on any other occasion, as it appears objectionable.

I have the honour to be

Your obedient servant,

(Sgd.) W. J. L. MCKAY.

6. Thereafter your Committee appointed a day to proceed with the said investigation, and caused to be served upon the said Mr. McKay a notice to the following effect:—

THE LAW SOCIETY OF UPPER CANADA.

IN the matter of the complaint of Mr. Angus MacMurchy of the city of Toronto, barrister and solicitor, against Mr. William John Lockwood McKay of the town of Orangeville, in the county of Dufferin, barrister and solicitor.

SIR:—

I am directed by the Discipline Committee of the Law Society of Upper Canada to forward you a copy of the above complaint, and to inform you that the same has been sent by Convocation to the above Committee for investigation, according to the practice in such cases, and further to inform you that the said Committee have appointed Friday, the 24th day of January, 1908, at the hour of half-past ten in the morning, in the Convocation Room, Osgoode Hall, in the city of Toronto, to proceed with the said investigation, and that you are notified to be present there and then, with your counsel, witnesses and papers.

I am also directed to inform you that if you desire further to answer the above complaint you are to file your further answer thereto in writing with me at least six days before the said 24th day of January.

I remain, sir,

Your obedient servant,

HERBERT MACBETH,

Secretary Law Society of Upper Canada.

Dated this 10th day of January, 1908.

To the above named William John Lockwood McKay, Esq.

7. No further answer was filed by the said Mr. McKay.

8. On the day named in the said notice your Committee proceeded with the said investigation, and there were present thereat the said Mr. MacMurchy and Mr. McKay.

9. The said Mr. McKay at some length addressed your Committee in his defence.

10. Your Committee fully considered all the arguments urged in his defence by Mr. McKay.

11. Your Committee find that the said Mr. McKay has been guilty of professional misconduct and conduct unbecoming a barrister-at-law and solicitor.

12. All the papers are herewith transmitted.

All which is respectfully submitted.

Dated at Osgoode Hall this 24th day of January, 1908.

(Sgd.) JOHN HOSKIN,  
*Chairman.*

The report was read, and Convocation ordered that the consideration of the said report be taken up on Friday, the 14th instant, and that a copy thereof be forwarded to Mr. McKay, and that he be informed that he may appear in person and by counsel if he thinks proper and show cause why the report be not adopted.

Mr. Harcourt, on behalf of the Library Committee, presented the report of the Librarian for the year 1907.

The letter of Mr. G. A. Boomer, in acknowledgment of the vote of thanks passed by Convocation on his retirement from the office of reporter, was read.

The letter of Mr. Goodwin Gibson accepting the office of reporter was read.

Convocation then rose.

FRIDAY, 7TH FEBRUARY.

PRESENT: The Treasurer, and Messrs. Bicknell, Bruce, Harcourt, Ritchie, Strathy and White.

Ordered, upon a report of the Legal Education Committee, that Messrs. G. J. Valin and Harcourt Ferguson be called to the Bar with Honours, and do receive their certificates of fitness as solicitors. That Mr. E. E. Gallagher be called to the Bar at the last meeting this Term, and do receive his certificate of fitness on proof of completion of his service. That Mr. M. F. Pumaville do receive his certificate of fitness on proof of completion of his service. That Mr. Frank Sangster, a barrister of eighteen years' standing, who has been practicing for eleven years and is in a position to claim advantage of R.S.O. 1897, ch. 174, sec. 5, sub-secs. 1 and 2, do receive a certificate of fitness. That the petitions of Mr. J. P.

Barlow and Mr. S. C. Arrell for admission be granted. That the application of Mr. Gordon Russell for Call to the Bar be not granted.

Mr. Strathy, from the County Libraries Committee, presented the following report:—

TO THE LAW SOCIETY OF UPPER CANADA:—

Your Standing Committee on County Libraries begs to report

That there are now twenty-seven County Law Associations incorporated and receiving grants in aid from the Law Society under its rules, in amounts ranging from \$45 to \$800 per year.

During the past year no less than five of the Law Associations omitted to send in their yearly statements and reports, so that only twenty-two associations received grants during 1907, the total amount of which (after deducting certain instalments payable by 10 of such associations to whom loans were made by the Law Society and on which balances remained unpaid) was \$5,358.29, but as those of the associations who did not send in their reports during 1907 will no doubt do so early this year, and will then receive grants for two years, the total expenditure this year under the direction of your Committee will be about \$7,500.

Annexed hereto is the report of the Inspector of County Libraries, the general portion of which your Committee recommends be printed as usual, and that the portions relating especially to each Law Association be typewritten and sent to the Secretary of each Association referred to.

Your Committee, believing that the County Law Libraries are of the greatest use to the profession, especially in country towns, regrets that there are still some counties in which Law Associations have not been formed, and yet more, that in some places where such associations have been incorporated, there is evinced a lack of energy, care and method which largely neutralizes the value of the libraries existing in such places and the efforts of the Law Society and your Committee to aid in their successful use and development. As appears from what has been said, the yearly expenditure of the Law Society in this direction for the benefit very largely of those members of the profession resident outside the city of Toronto, is about \$7,000 per year, and your Committee is anxious that this considerable sum should produce the best results, the total ex

penditure since such grants have been made to County Law Associations having been in excess of \$100,000.

Your Committee has had brought under its notice the working of one of the more successful of the County Law Associations, and as what has been, and is being, accomplished by this association can be readily accomplished by any other association which has a couple of officers interested in its success, your Committee would give a short *resumé* of the course pursued by such association. The association referred to having been formed, the President and Secretary-Treasurer canvassed for initial subscriptions and readily obtained in this way about \$400; to this was added the initial grant from the Law Society, about \$800; so that the association began with about \$1,200 in hand. In the earlier years the members resident in the county town subscribed \$6 per year, the outside members \$3 per year. The amount of these yearly subscriptions have been reduced from time to time, so that now the County Town members pay \$4 and the outside members \$1 per annum. (This latter subscription was made particularly small so as to induce all members of the profession within the county to become members of the association and thus secure an *esprit de corps* and unity of action on various matters of interest to the profession, not otherwise obtainable.) The only paid official of this association is the Librarian, so called (really the caretaker), who receives a salary of \$25 per year, but the association receives very valuable assistance from the County Judge, who holds his Chambers in the library room (supplied in the Court House and furnished at the expense of the county under the statute), in that he has made a catalogue of the books of the library which he keeps written up as new books come in, and he also sees, very often doing the work himself, that the books are *replaced* after being used, not merely thrust into any vacant space that may catch the eye, the general result being that this association, with some reasonable assistance from its careful Secretary (a careful and interested Secretary is a great essential to success) and other officers, and without having to borrow one dollar from the Law Society or anyone else, has now an excellent and useful library worth about \$4,000, in a comfortable room, a united Bar, a professional equipment that is a credit to the county profession, and all at comparatively little trouble, and with far less expense than the amount of saving secured by the individual

members of the association in not having to purchase certain legal books (not in every-day use) that otherwise they would almost of necessity have had to buy.

(Sgd.) H. H. STRATHY,  
*Chairman* County Libraries Committee.

The report was accompanied by the report of the Inspector of County Libraries for the year 1907, which is printed for distribution to the profession with the Ontario Law Reports.

The following gentlemen were then called to the Bar with Honours: Mr. George Joseph Valin, and Mr. Harcourt Ferguson.

Convocation then rose.

FRIDAY, 14TH FEBRUARY, 1908.

PRESENT: The Treasurer, and Messrs. Bayly, Bicknell, Bruce, Cassels, Guthrie, Harcourt, Hoskin, Lash, McMaster, Nesbitt (W.), Ritchie, Smith, and Watson.

Mr. Watson from the Finance Committee presented the following report: The Finance Committee beg to report a recommendation to increase the salary of the Secretary of the Law Society to \$1,800 per year.

The report was adopted, and Mr. Watson moved for leave to introduce a Rule to amend Rule No. 46 with reference to salaries by striking out the words and figures "fifteen hundred" where they occur after the word "Secretary" in the thirteenth line of said Rule, and inserting instead the words and figures "eighteen hundred."

Convocation ordered the Rule to be introduced, and it was introduced and read a first time as follows: "Rule 46 is hereby amended by striking out "\$1,500," therein fixed as the Secretary's salary, and inserting instead thereof "\$1,800."

The amending Rule was read a second time.

Mr. Watson moved the suspension of the Rule relating to stages, and that the amending Rule be read a third time and passed.

The Rule relating to stages was suspended, and the Rule amending Rule 46 was then read a third time and passed.

Convocation directed that the payment of the salary to the Secretary at that rate commence on 1st January, 1908.

The statement of receipts and expenditures of the Society for

the year ending 31st December, 1907, pursuant to R.S.O. ch. 172, sec. 53, was presented and adopted, and it was ordered that same be printed and distributed to the profession in the ordinary course and pursuant to the Statute and the Rules in that behalf.

The estimates of receipts and expenditures for the year 1908 were then submitted.

Convocation then proceeded to consider the report of the Discipline Committee on the complaint of Mr. Angus MacMurchy against Mr. William John Lockwood McKay, which was on the 6th of February ordered to be taken up on this day.

The Secretary then read the letter written by him on the 6th instant to Mr. McKay which enclosed a copy of the report and communicating to him that he was at liberty to shew cause against the adoption of the report.

The Secretary announced that Mr. McKay, accompanied by his counsel, Mr. James W. Curry, K.C., were in attendance ready to appear before Convocation.

Mr. McKay and Mr. Curry, K.C., having been called in, Mr. Curry addressed Convocation, after which these gentlemen withdrew.

Upon consideration it was resolved:—

It appearing that Mr. McKay admitted his guilt and expressed his regret, nevertheless Convocation deems his conduct and his statement that the acts complained of are done generally by the profession, to wit, soliciting business under the circumstances in his letters, to be improper and indefensible.

Convocation takes the opportunity to record its abhorrence of the practice which Mr. McKay seemed to think was no wrong.

Convocation refrains from proceeding to disbar or suspend Mr. McKay from practice as a barrister and solicitor, as such sentence would necessarily cause the loss of his office as County Crown Attorney for the County of Dufferin.

Convocation finds (twelve Benchers being present) that Mr. McKay, a barrister and solicitor of the Supreme Court of Ontario, has been guilty of professional misconduct and of conduct unbecoming a barrister and solicitor.

Convocation orders that a severe reprimand be administered to Mr. McKay (twelve Benchers being present).

Mr. McKay and his counsel being in attendance, were called in, and he was reprimanded in the presence of Convocation.

Ordered, upon a report from the Legal Education Committee, that Mr. Emmet Ernest Gallagher be called to the Bar, and he was introduced and called accordingly.

Mr. Bicknell moved the second reading of the Rule which had on the 6th December, 1907, been introduced by him to amend Rule 105. The amending Rule was read a second and a third time and passed.

The motion of which Mr. Watson had on the 22nd November given notice with respect to the system of reporting was directed to stand over until the first day of meeting next Term.

The second reading of the draft Rule to amend Rule 99 was directed to stand over until the first day of meeting next Term.

The letter dated 8th February of Messrs. Weldon & Knight, complaining of the conduct of a solicitor, was read. The Secretary was ordered to reply that the offences therein stated do not call for the action of Convocation.

The attention of Convocation having been drawn to a notice of a Resolution of the House of Assembly of Ontario at its present session to be moved by the Honourable Mr. Attorney-General Foy as follows:—

“That in the opinion of this House, with a view to the more prompt and satisfactory administration of justice in civil matters and the assessing of the cost thereof, it is expedient:

“1. That there should be but one Appellate Court for the Province.

“2. That all the Judges of the Supreme Court of Judicature for Ontario should constitute the Appellate Court.

“3. That the Appellate Court should sit in Divisions, the members of which should be permanently assigned to them, or chosen from time to time by the Judges from among themselves.

“4. That the Divisions should consist of five members, four of whom should be a quorum, except in election cases, and cases in which constitutional questions arise, for which five members should sit, and except in appeals from inferior Courts, for the hearing of which three Judges should form a quorum.

“5. That the decision of the Court of Appeal should be final in all cases except where

“(a) Constitutional questions arise, or

“(b) Questions in which the construction or application of a Statute of Canada are involved.

“(c) The action is between a resident of Ontario and a person residing out of the Province.

“6. That the appeal of Right to the Judicial Committee of the Imperial Privy Council should be abolished, and the prerogative right of granting leave to appeal to that tribunal, if retained, should be limited to cases in which large amounts are involved, or important questions of general interest arise.

“7. That in matters of mere practice the decision of a Judge of the Supreme Court, whether on appeal or a Judge of first instance, should be final.

“8. That provision be made to regulate examinations for discovery to prevent the excessive costs that are often incident to such examinations, and the undue prolongation of such examinations.

“9. That the County and District Courts shall have jurisdiction in all actions whatever may be their nature or the amount involved, if both parties consent.

“10. That the ordinary jurisdiction of the County and District Courts should be increased.

“11. That communications should be had with the Imperial and Dominion Governments with the view to legislation by the Imperial and Canadian Parliaments as to such of the foregoing matters as are not within the legislative authority of the Province.”

Convocation ordered that a Special Committee composed of the Chairmen of the Standing Committees be appointed to watch the proceedings upon such Resolution and to attend the Attorney-General at such times as may be thought expedient, and to make such representations as may be deemed advisable, and if thought desirable to consult Convocation, calling a special meeting for that purpose in accordance with the Rules.

That the Chairman of the Committee on Journals be Convener of the said Special Committee.

Convocation then rose.





PROCEEDINGS OF THE LAW SOCIETY OF UPPER CANADA

STATEMENT OF  
RECEIPTS AND EXPENDITURE

OF THE  
LAW SOCIETY

FOR THE YEAR ENDING 31st DECEMBER, 1907.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1906.

RECEIPTS.

1906		1907
	Solicitors' Certificates:	
	Paid after the beginning of the year, but payable the Michaelmas previous...\$	2,955 00
\$ 3,120 00	Fines Collected.....	153 00
189 00	Fees and fines in arrear prior to the preceding Michaelmas.....	445 25
297 40	Payable in Michaelmas of the current year.....	20,715 00
21,660 00		\$ 24,268 25
\$ 25,266 40	Barristers' Annual Fees:	
	Paid after the beginning of the year, but payable the Michaelmas previous...\$	424 00
462 00	In arrear prior to the Michaelmas of the preceding year.....	203 00
188 00	Payable in Michaelmas of the current year.....	2,738 00
2,860 00		3,365 00
3,510 00	Notice Fees.....	122 00
100 00	Students' Admission Fees.....	3,750 00
2,950 00	Fees on Petitions and Diplomas.....	76 00
51 00		
11,240 00	Law School Tuition Fees.....	13,575 00
2,600 00	Solicitors' Examination Fees.....	2,875 00
	Call Fees under 57 Vic. cap. 44 and other Cases.....	1,600 00
1,000 00	Call Fees in Ordinary Cases.....	4,495 00
3,680 00		
4,680 00		6,095 00
\$ 50,397 40	Carried forward.....	\$ 54,126 25

	1906		1907
\$ 50,397	40	Brought forward.....	\$ 54,126 25
County Library Loans returned:—			
	30 00	Essex.....	30 00
	15 00	Hastings.....	
	52 50	Leeds.....	52 50
	50 00	Lindsay.....	50 00
	67 00	Oxford (2 instalments).....	
	32 50	Perth.....	32 50
	30 00	Stormont.....	
277 00			165 00
31 54		Commission on Telegraph Messages.....	40 81
2,290 72		Interest and Dividends.....	1,601 70
1 00		Fines in respect of Students' Lending Library....	6 20
175 00		Grant from Ontario Government in aid of Tele- graph and Telephone Service.....	175 00
	31 50	Subscriptions for Statutes for 1906....	
971 50	940 00	“ “ “ 1907....	24 00
		“ “ “ 1908....	768 00
\$ 54,144 16		Grand Total.....	\$ 56,906 96

EXPENDITURE.

REPORTS—

	2,452 05	Printing Reports.....	2,416 00
Salaries:—			
	2,000 00	Editor.....	2,000 00
	5,118 34	Reporters.....	4,800 00
7,118 34			6,800 00
9,570 39			\$9,216 00
6 20		DIGEST.....	

LAW SCHOOL:—

Salaries:—

	5,000 00	Principal.....	5,000 00
	6,000 00	Four Lecturers at \$1,500 each.....	6,000 00
	1,650 00	Salaries of Examiners.....	1,650 00
	180 00	Scrutineers at Examinations.....	237 50
	275 20	Printing and Stationery.....	250 50
	756 57	Scholarships and Medals.....	784 87
	838 38	Caretaking, Light, Heating, Furniture and Maintenance.....	854 24
\$ 14,700 15			\$ 14,777 11
\$ 24,276 74		Carried forward.....	\$ 23,993 11

LAW SOCIETY OF UPPER CANADA.

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1906  
\$ 24,276 74

1907  
\$ 23,993 11

Brought forward.....

LIBRARY:—

2,768 08	Books purchased.....	3,382 69
707 80	Binding.....	406 30
212 61	Maintenance including Stationery.....	86 53
<u>3,688 49</u>		<u>3,875 52</u>

Salaries:—

1,800 00	Librarian.....	1,900 00
1,000 00	Ass't Librarian.....	1,000 00
180 00	Attendance during evenings.....	180 75

2,980 00  
6,668 49

3,080 75

6,956 27

LAW COSTS:—

100 00	Solicitors' Allowance.....	
231 25	Taxed Costs and Counsel Fees.....	141 66
<u>331 25</u>		

827 70

TELEGRAPH AND TELEPHONE OFFICE....

824 35

LIGHT, HEATING, WATER, GROUNDS AND INSURANCE:—

Payment to Ontario Government for

890 00	Steam Heating.....	890 00
587 91	Lighting.....	601 76
133 11	Heating.....	56 55
112 54	Water.....	128 97
1,155 12	Grounds.....	1,031 55
1,925 00	Insurance on all property at Osgoode Hall for three years.....	
7 50	Insurance on Books at Bindery.....	7 50
8 00	Rent for Safe Deposit Drawer for In- ventories.....	8 00

4,818 98

2,724 33

496 30

ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE.....

1,648 53

Appropriation to meet expenditure incurred, not paid.....

1,000 00

COUNTY LIBRARIES AID:—

Annual Grants.

246 67	Brant.....	\$ 246 34
58 67	Bruce.....	67 67
535 00	Carleton.....	540 00
229 45	Elgin.....	239 45
222 50	Essex.....	227 50
163 21	Frontenac.....	154 78
105 34	Grey.....	
527 50	Hamilton.....	545 00
110 34	Hastings.....	

\$ 37,419 46 \$2,198 68

Carried forward.... \$ 2,020 74 \$37,288 25

1906		1907
\$37,419 46	\$2,198 68	Expenditure—Brought forward.....\$ 2,020 74
	218 33	Huron..... 218 33
	164 17	Kent..... 150 00
	110 00	Lambton..... 136 67
	188 67	Leeds..... 190 66
	182 50	Lindsay..... 182 50
	500 00	Middlesex..... 490 00
	35 00	Norfolk..... 45 00
	98 00	Ontario..... 113 00
	226 68	Oxford (for 2 years).....
	121 41	Perth..... 108 33
	172 00	Peterborough..... 162 60
	126 66	Rainy River (for 3 years).....
		" " for 1907..... 42 24
	113 67	Simcoe..... 163 22
	94 84	Stormont.....
	162 50	Waterloo..... 195 00
	115 00	Welland..... 115 00
	395 00	Wellington (for 2 years).....
	800 00	York..... 800 00
	6,023 11	Payment to Inspector for 1906..... \$ 5,133 29
	225 00	" " " 1907..... 225 00
\$ 6,248 11	—————	5,358 29
		LOANS:
		Essex..... \$ 386 00
		Kent..... 450 00
		Lambton..... 350 00
		Welland..... 335 00
		————— \$1,521 00
		6,879 29
		SECRETARIAT AND CARETAKING:—
	1,500 00	Secretary's Salary..... 1,500 00
	100 00	Auditor's Fee..... 100 00
	660 00	Caretaker's Wages..... 660 00
	431 91	General Expenses and Housecleaning... 139 71
\$ 2,691 91	—————	\$ 2,399 71
340 57		PRINTING, ADVERTISING AND STATIONERY. 265 98
		SUPREME COURT REPORTS:—
	1,900 00	Subscription to Vol. 37, as per contract with the Government.....
		Subscription to Vol. 38, as per contract with the C. L. B. Co..... 1,997 50
		Subscription to Vol. 39, as per contract with the C. L. B. Co..... 996 87
		————— \$ 2,994 37
		STATUTES:—
	934 75	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society 1,153 28
	5 00	COMMITTEE ON UNLICENSED CONVEYANCERS .....
\$ 49,539 80	—————	Carried forward..... \$50,980 88

## LAW SOCIETY OF UPPER CANADA.

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1906		1907
\$ 49,539 80	Expenditure—Brought forward.....	\$50,980 88
723 91	EXPENSES OF BENCHER'S ELECTION....	
	MISCELLANEOUS:—	
369 40	Term Expenditure.....	427 25
250 00	Grant to Widow of the late Secretary..	
75 60	Postage.....	59 66
1 75	Telegrams.....	3 20
3 00	Rent of Box in Safe Deposit Vaults...	3 00
19 50	Ice for the year.....	19 50
	Miscellaneous.....	60
10 00	Grant in aid of Circuit Guide.....	10 00
	Engrossing Address.....	5 00
729 25		528 21
\$ 50,992 96		\$ 51,509 09

Audited and found correct.

W. H. Cross, *Auditor*.

TORONTO, 14th January, 1908.



LAW SOCIETY OF UPPER CANADA.

THE LIBRARY, OSGOODE HALL,

TORONTO, January 31, 1908.

*To the Chairman and Members of the Library Committee of  
the Law Society of Upper Canada:*

The Librarian begs to submit his report for the year 1907,  
as follows:—

The expenditure for Library purposes during the year was  
\$6,956.27, disbursed as follows:—

Books and periodicals . . . . .	\$3,084 24
Binding. . . . .	406 30
Re-binding, repairs, etc. . . . .	298 45
Stationery and sundries . . . . .	86 53
Salaries . . . . .	3,080 75

—————  
\$6,956 27

An estimate of the expenditure for the current year is ap-  
pended to this report.

Tables shewing the number of volumes of each class added to  
the Library during the past year, and their cost, are given, to-  
gether with a list of books presented and the donors. The num-  
ber of bound volumes added was 902; of these 92 were presented  
and 267 taken in as periodicals and subsequently bound. The  
bound volumes in the Library number 37,502.

The Library was open on 241 evenings, and the attendance  
during that period was as follows:—

	Total	Average
Barristers . . . . .	1001	4.15
Students . . . . .	880	3.65
	—————	—————
	1881	7.80

In 1906 the attendance, for the same number of evenings, was  
2,153, composed of 1,118 barristers and 1,035 students.

All of which is respectfully submitted.

W. GEO. EAKINS,  
*Librarian.*

## LAW SOCIETY OF UPPER CANADA.

## EXPENDITURE, 1907.

Books, periodicals, etc.—	
Books and pamphlets . . . . .	\$3,200 00
Periodicals. . . . .	568 60
Stamping . . . . .	26 10
Freight, brokerage, etc. . . . .	43 74
	\$3,084 24
Binding. . . . .	406 30
Re-binding, repairs, etc. . . . .	298 45
Stationery and sundries . . . . .	86 53
Salaries. . . . .	3,080 75
	\$6,956 27

## ESTIMATED EXPENDITURE, 1908.

Books, periodicals, etc.—	
Books and pamphlets . . . . .	\$3,200 00
Periodicals. . . . .	575 00
Stamping . . . . .	50 00
Freight, brokerage, etc. . . . .	75 00
	\$3,900 00
Binding. . . . .	450 00
Re-binding, repairs, etc. . . . .	300 00
Stationery and sundries . . . . .	250 00
Salaries. . . . .	3,600 00
	\$8,500 00

## ACCESSIONS, 1907.

	Vols.	Cost.
Texts—Canada. . . . .	19	\$117 25
United Kingdom . . . . .	82	414 97
United States . . . . .	19	94 90
Reports—Canada. . . . .	77	247 50
United Kingdom . . . . .	79	392 05
Australasia. . . . .	6	70 50
India. . . . .	4	15 00
Africa. . . . .	3	24 50
United States . . . . .	178	615 24
Statutes—Canada. . . . .	59	95 00

## LAW SOCIETY OF UPPER CANADA.

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	Vols.	Cost.
Statutes—United Kingdom .....	9	22 72
United States .....	57	154 75
Digests, indexes, etc. ....	60	207 61
Parliamentary. ....	91	83 55
Miscellaneous (including periodicals) ..	120	320 20
General literature .....	39	111 58
	<hr/>	<hr/>
	902	\$2,987 32
Volumes purchased .....	543	
Volumes bound for the library .....	267	
Volumes presented .....	92	
	<hr/>	
	902	

## PRESENTATIONS, 1907.

	Vols.
Hon. Mr. Justice Riddell—Statesmen of the Time of Geo. III. (Brougham) .....	2
Hon. Mr. Justice Riddell—Some Distinguished Victims of the Scaffold .....	1
Geo. F. Shepley, K.C.—Report of Royal Com- mission of Life Insurance .....	1
International Law Association—Report of Berlin Conference, 1906 .....	1
Librarian of Congress—Annual Report .....	1
New York State Library—Annual Reports ..	5
University of Toronto—Calendar, etc. ....	2
Trinity University—Year Book .....	1
Toronto City Clerk—City Council Minutes ..	1
Canada Law Book Co.—Reports American Bar Association .....	2
Geological Survey—Report of Dom. Govt. Ex- pedition to Hudson Bay .....	1
United States Government—Reports .....	2
Dominion Government—Various publications.	28
Ontario Government—Various publications..	25
Alberta Government—Statutes .....	2
British Columbia Government—Statutes, Ses- sional papers, etc .....	5

	Vols.
Manitoba Government—Statutes . . . . .	1
New Brunswick Government—Statutes, etc ..	3
Nova Scotia Government—Statutes, etc. . . . .	3
Prince Edward Island Government—Statutes	1
Quebec Government—Journals Leg. Assembly	1
Saskatchewan Government—Statutes . . . . .	2
Newfoundland Government—Statutes . . . . .	1

## LAW SOCIETY OF UPPER CANADA.

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EASTER TERM.

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THURSDAY, May 21st, 1908.

**PRESENT:** The Treasurer and Messrs. Bayly, Bicknell, Bruce, Farewell, Gibbons, Glenn, Guthrie, Harcourt, McPherson, Ritchie, Smith, Strathy and Watson.

It was moved by Mr. Guthrie, seconded by Mr. Bruce, that Sir Æmilius Irving be elected Treasurer for the ensuing year. Carried. The Treasurer returned thanks for the honour again conferred upon him.

The following members of Convocation were appointed a Special Committee to strike the Standing Committees for the ensuing year: Messrs. Strathy, Bruce, Ritchie and Glenn.

The said Committee reported the following members of Convocation to compose the Standing Committees for the ensuing year:—

*Finance.*—Messrs. A. B. Aylesworth, A. Bruce, A. H. Clarke, G. C. Gibbons, F. W. Harcourt, John Hoskin, A. C. McMaster, W. D. McPherson, C. H. Ritchie, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White. (Vacancy to be filled.)

*Reporting.*—Messrs. J. Bicknell, D. Guthrie, Z. A. Lash, G. Lynch-Staunton, J. McIntyre, S. G. McKay, A. C. McMaster, W. D. McPherson, J. W. Nesbitt, C. H. Ritchie, G. F. Shepley, G. H. Watson, M. Wilson. (Vacancy to be filled.)

*Library.*—Messrs. A. B. Aylesworth, S. H. Blake, J. M. Glenn, F. W. Harcourt, G. Lynch-Staunton, Wallace Nesbitt, W. B. Northrup, C. H. Ritchie, G. F. Shepley, E. Sydney Smith, M. Wilson. (Vacancy to be filled.)

*Legal Education.*—Messrs. J. Bicknell, J. E. Farewell, J. M. Glenn, D. Guthrie, F. W. Harcourt, John Hoskin, Z. A. Lash, G. Lynch-Staunton, A. C. McMaster, W. D. McPherson, C. H. Ritchie, H. H. Strathy, G. H. Watson. (Vacancy to be filled.)

*Discipline.*—Messrs. R. Bayly, A. Bruce, J. E. Farewell, J. J. Foy, W. D. Hogg, John Hoskin, S. G. McKay, W. D. McPherson, Wallace Nesbitt, W. B. Northrup, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Journals and Printing.*—Messrs. J. Bicknell, A. Bruce, F. H. Chrysler, A. H. Clarke, G. C. Gibbons, J. M. Glenn, F. W. Harcourt, D. B. MacLennan, A. C. McMaster, W. D. McPherson, E. Sydney Smith, W. R. White.

*County Libraries.*—Messrs. R. Bayly, A. Bruce, F. H. Chrysler, J. E. Farewell, J. M. Glenn, D. Guthrie, J. McIntyre, S. G. McKay, J. W. Nesbitt, W. B. Northrup, H. H. Strathy, M. Wilson.

Mr. W. H. Cross was appointed auditor for the ensuing year.

The Treasurer announced that Mr. Walter Gibson Pringle Cassels, one of His Majesty's Counsel for Ontario, learned in the law and a Bencher of the Law Society, had on the 2nd day of March last been appointed the Judge of the Court of Exchequer of Canada in the room, place and stead of the late Honourable Mr. Justice Burbidge, deceased.

The Treasurer laid on the table a copy of the Letters Patent under the Great Seal of Canada, dated and passed at Ottawa, 2nd March, 1908, which Mr. Justice Cassels had forwarded to the Treasurer at his request. The said copy was ordered to be fyled.

The Honourable Walter Gibson Pringle Cassels having been sworn in and taken his place as the Judge of the Court of Exchequer of Canada under section 34 of R.S.O. 1897, chapter 172, his seat had become vacant in Hilary Term by the act of the Crown, and it was ordered that a special call of the Bench be made for Friday, the 5th day of June, 1908, to elect a Bencher in his stead.

The following letter from the Honourable Mr. Justice Cassels to the Treasurer was read:—

70 Grosvenor St.,

TORONTO, 15th March, 1908.

*Sir Æmilius Irving, Treasurer:*

DEAR SIR ÆMILIUS,—I find it difficult to express my sorrow at having to sever my connection as a Bencher. Although only a

Bencher for a short period I have received so much kindness and consideration from yourself and the other Benchers that it made the position a pleasant one. I think the first brief I held was for the Great Western Ry. retained by yourself. This was in 1872 (St. David's Crossing).

From that time to the present my relations with you have always been of the most pleasant kind.

Yours faithfully,

WALTER CASSELS.

The Treasurer announced that the Honourable James Pitt Mabee, one of the Judges of the High Court of Justice for Ontario, and one of the Visitors of the Law Society of Upper Canada, had been on the 28th day of March, 1908, appointed Chief Commissioner of the Board of Railway Commissioners for Canada. That the Honourable James Pitt Mabee had furnished the Treasurer with a copy of the Letters Patent under the Great Seal. That in view of questions hereafter arising on the status of the Honourable James Pitt Mabee in the Society it was desirable to keep a record.

Ordered that the copy of the said Letters Patent be filed.

Ordered upon a report of the Legal Education Committee that the usual advertisement for applicants for the offices of Lecturers in the Law School be published, and that a call of the Bench be issued for Friday, the 5th day of June, 1908, upon which day the appointments of lecturers will be made.

Mr. Bicknell was elected as representative of the Law Society on the Senate of the University of Toronto, pursuant to the statute, for the ensuing year.

A report was presented from the Discipline Committee stating that in the complaints of Donald Anderson against Mr. A. B., and Virtue & Company against Mr. C. D., the Secretary had under the direction of the Committee written the complainants informing them that the matters of their complaints are provided for by remedies enforceable in the Courts of law; and that in the complaints of Mrs. Margaret Carr against Mr. E. F., F. O. Dugas against Mr. G. H., and W. L. Morton against Mr. K. L., the Committee are of opinion that *primâ facie* cases have

been established and recommend that same be referred to the Committee to investigate the charges. Ordered accordingly.

Mr. Watson, from the Finance Committee, reported to Convocation, referring to a minute on the agenda of the Committee, 28th March, 1908, on the subject of a difficulty between the Canada Law Book Company and Mr. W. S. Wilson, of St. Catharines, and transmitting the correspondence between the parties. The difficulty originated in Mr. Wilson's complaint of the manner in which a page of the Ontario Law Reports had been printed and of the insertion of books for sale which had been improperly made in the Ontario Law Reports. Convocation ordered that the Secretary do communicate with the Canada Law Book Company, stating that hereafter the publishers do forward to the Secretary of the Law Society all complaints which members of the Society may make to the publishers in respect of the publication of the Reports which the Canada Law Book Company are under contract to supply, and that the Secretary do inform Mr. Wilson that Convocation had considered his case and believe that there will be no reason for further complaint.

Convocation ordered that the subject-matter of the motion of which Mr. Watson had on the 22nd November, 1907, given notice be referred to a Special Committee, to be composed of the Chairmen of the respective Standing Committees, with Messrs. Lynch-Staunton, McPherson, Gibbons, McMaster and Harcourt, Mr. Watson to be convener.

On the Report of the County Libraries Committee, it was ordered that Mr. Duncan Donald be appointed Inspector of the County Libraries for the ensuing year.

Ordered that consideration of the Report dated 12th September, 1907, of the Discipline Committee on the case of a solicitor which had on the 21st day of November, 1907, been ordered to stand over until to-day, be further postponed until the first day of meeting in Michaelmas Term next.

The rule to amend Rule 99 by inserting after the word "against," in the first line thereof, the words, "a solicitor or" was now read a second time, and a third time, and passed.

The application of Mr. R. A. Reid, a solicitor of the Supreme Court of Judicature of the Province of Nova Scotia, praying

for admission as a solicitor, was referred to the Legal Education Committee for report on the law bearing on the subject and any recommendation the Committee thinks proper to make.

Mr. Bicknell gave notice that he would at the last meeting in this Term move for leave to bring in a rule to amend Rules 11 and 12 as follows: Rule 11 by striking out the word "three," in the fifth line of said Rule, and by inserting in lieu thereof the word "four." Rule 12, by striking out the words "and on the last Tuesday in June in vacation," or make such other change or none as Convocation may deem expedient. Ordered that the Benchers be informed of the above notice of motion by including same in the circular relating to matters as to which special calls of the Bench are to be made for the meeting on the 5th June, 1908.

Convocation then rose.

FRIDAY, May 22nd, 1908.

PRESENT: The Treasurer and Messrs. Bicknell, Bruce, Harcourt, Ritchie and Strathy.

Mr. Bruce, on behalf of the Special Committee, composed of the Chairmen of the Standing Committees, appointed on the 14th February, 1908, presented a report of the proceedings of the Committee appointed by Convocation to wait upon the Attorney-General in reference to the Resolution of the House of Assembly of Ontario, of which he, the Attorney-General, had given notice.

The report is as follows:—

TORONTO, May 22nd, 1908.

*To the Benchers of the Law Society of Upper  
Canada in Convocation:*

The Committee appointed by Convocation to consider the annexed resolution in reference to Law Reform, of which notice was given by the Honourable the Attorney-General, met and prepared a memorandum, and afterwards by appointment met the Attorney-General on the 24th of February, 1908, and submitted the same to him.

At the same meeting there were present representatives of the Ontario Bar Association, the County of York Law Associa-

tion and the Hamilton Law Association, who presented the views of these several Associations on the subject-matter of the resolution.

A. BRUCE,  
*Chairman.*

COPY OF THE ATTORNEY-GENERAL'S RESOLUTION.

Feb. 5th, 1908.

“That in the opinion of this House, with a view to the more prompt and satisfactory Administration of Justice in Civil Matters and the assessing of the cost thereof, it is expedient: 1. That there should be but one Appellate Court for the province. 2. That all the Judges of the Supreme Court of Judicature for Ontario should constitute the Appellate Court. 3. That the Appellate Court should sit in Divisions, the members of which should be permanently assigned to them, or chosen from time to time by the Judges from among themselves. 4. That the Divisions should consist of five members, four of whom should be a quorum, except in election cases, and cases in which constitutional questions arise, for which five members should sit, and except in appeals from inferior courts, for the hearing of which three Judges should form a quorum. 5. That the decision of the Court of Appeal should be final in all cases except where (a) Constitutional questions arise, or (b) questions in which the construction or application of a statute of Canada are involved, or (c) the action is between a resident of Ontario and a person residing out of the province. 6. That the appeal of right to the Judicial Committee of the Imperial Privy Council should be abolished, and the prerogative right of granting leave to appeal to that tribunal, if retained, should be limited to cases in which large amounts are involved, or important questions of general interest arise. 7. That in matters of mere practice the decision of a Judge of the Supreme Court, whether on appeal or a Judge of first instance should be final. 8. That provision be made to regulate examinations for discovery to prevent the excessive costs that are often incident to such examinations, and the undue prolongation of such examinations. 9. That the County and Dis-

trict Courts shall have jurisdiction in all actions whatever may be their nature or the amount involved if both parties consent. 10. That the ordinary jurisdiction of the County and District Courts should be increased. 11. That communications should be had with the Imperial and Dominion Governments with the view to legislation by the Imperial and Canadian Parliaments as to such of the foregoing matters as are not within the legislative authority of the province.”

MEMORANDUM FOR THE HONOURABLE THE ATTORNEY-GENERAL.

The Committee appointed by Convocation to wait upon the Honourable the Attorney-General, in reference to the resolutions to be moved by him in the House of Assembly of Ontario, in regard to the administration of justice in civil matters, notice of which appears in the proceedings of the House on 8th February, 1908, have considered the several matters mentioned in such notice and beg respectfully to submit their views thereon, dealing with them in their order.

Nos. 1, 2, 3 and 4 may be grouped together.

The Committee approve of the proposal that there should be but one Appellate Court and suggest:—

(a) That such Court should consist of ten Judges, thus admitting of two full Courts.

(b) That five Judges should constitute a full Court and sit on all appeals except as hereafter mentioned.

(c) That appeals from a Judge in Chambers and County Court and Division Court appeals be disposed of by a Court consisting of three Judges, but the decision on a question of law of a Court so constituted shall not be binding as a precedent on the full Court.

(d) That there be continuous sittings of one or both divisions of the Court of Appeal for at least four days in each week so long as there are cases standing to be disposed of.

(e) That the Judges to compose the Courts be changed from time to time.

The above suggestion leaves seven Judges, one of whom it is suggested should take the Single Court and Chambers business

for three months at a time, thus assuring more uniformity of practice, and six would be available for continuous circuit work.

A Judge *ad hoc* to sit as and when necessary to make up a Court of Appeal.

No. 5. The Committee suggest that there may be an appeal from the Court of Appeal to the Supreme Court of Canada, in the excepted cases (a), (b) and (c) (mentioned in the resolution) and also (d), "where leave to appeal is given by the Court of Appeal."

No. 6. The Committee recommend that the existing provisions as to appeal to the Judicial Committee of the Imperial Privy Council remain as at present.

No. 7 is dealt with above.

No. 8. The Committee suggest that the desired end may be attained by leaving the party requiring the examination where successful in the litigation to pay all his own costs thereof and the fees of the Examiner, and witness fees, except a moderate limited amount of say \$ . . . ., and where unsuccessful to bear all costs on both sides unless the trial Judge order otherwise.

No. 9 is approved by the Committee.

No. 10. The Committee consider that there should be no change in the jurisdiction of the County and District Courts.

The Committee further suggest that in dealing with the question of Law Reform provision should be made doing away with all fees payable by stamps to the Government, and all disbursements now payable to legal officials in the course of legal proceedings and point out that the fees allowed by the Tariff to Counsel and Solicitors in Ontario are inadequate.

The report was received.

Ordered upon a report of the Legal Education Committee that the service of Mr. A. C. Heighington be allowed as sufficient, and that he be called to the Bar and do receive his certificate of fitness. That Mr. G. A. Grover, a graduate in Faculty of Science of Queen's University, be granted admission, on the amendment of the rule. That the service of Mr. W. E. Williams be allowed, and that he be called to the Bar and do receive his certificate of fitness. That the service of Mr. W. F. McRae be allowed and that he be called to the Bar and receive his certificate

of fitness. That the following gentlemen be called to the Bar and receive their certificates of fitness: W. J. McKay (with honours and silver medal), J. C. Sherry (with honours), M. Lockhart Gordon, H. Howitt, E. W. Kearney, H. A. C. Machin, Miss G. E. Hewson, Frederic Watt. That the petition of Mr. H. P. Cooke be refused. That the case of Mr. John Charles Elliott be reconsidered if a pardon is obtained from the Crown.

The report of the Principal of the Law School for the session 1907-1908 was read, as follows:—

THE LAW SCHOOL,

25th April, 1908.

*James Bicknell, Esq., K.C.,*

*Chairman, Legal Education Committee:*

DEAR SIR,—I beg to submit my report for the Law School Session just ended, 1907-1908.

1. The number of students registered were as follows:—

First Year .....	37
Second Year .....	53
Third Year .....	47
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	137

2. In addition to the above four special students took lectures in some subjects.

3. The average attendance was as follows:—

First Year .....	34
Second Year .....	45
Third Year .....	37

4. The lectures delivered were as follows:—

The Principal .....	231
Mr. Armour, K.C. ....	92
Mr. Marsh, K.C. ....	101
Mr. King, K.C. ....	81
Mr. McGregor Young, K.C. ....	104
<hr/>	
	609

5. In addition special lectures were given as follows:—

1908 *Morning Lectures, 9.00 a.m.*

- Jan. 10th.—The Law of Costs.—W. E. Middleton, Esq.  
 “ 17th.—The Law of Costs.—W. E. Middleton, Esq.  
 “ 24th.—Interlocutory Applications.—John H. Moss, Esq.  
 “ 31st.—Preparation for Trial.—N. W. Rowell, Esq., K.C.
- Feb. 7th.—Certiorari and Prohibition.—  
 W. H. Blake, Esq., K.C.  
 “ 17th.—The Joint Stock Companies Acts.—  
 C. A. Masten, Esq.  
 “ 21st.—The Joint Stock Companies Acts.—  
 C. A. Masten, Esq.

Attendance at these Lectures was voluntary.

*Afternoon Lectures, 4.30 p.m.*

- Jan. 10th.—Legal Ethics.—The Hon. Sir John A. Boyd,  
 K.C.M.G., Chancellor of Ontario.  
 “ 17th.—The Municipal Act.—The Hon. Sir Charles Moss,  
 LL.D., Chief Justice of Ontario.  
 “ 24th.—The Municipal Act.—The Hon. Sir Charles Moss,  
 LL.D., Chief Justice of Ontario.  
 “ 31st.—Certain Sources of the English Law.—The Hon. Mr.  
 Justice Riddell, Court of King's Bench.
- Feb. 7th.—The Municipal Act.—The Hon. Mr. Justice Hodgins,  
 Judge of the Admiralty Court.  
 “ 14th.—The Municipal Act.—The Hon. Mr. Justice Hodgins,  
 Judge of the Admiralty Court.  
 “ 21st.—The Municipal Act.—W. H. Blake, Esq., K.C.  
 “ 28th.—Practical Suggestions for Solicitors.—Hamilton  
 Cassels, Esq., K.C.

The attendance at these Lectures was obligatory.

6. I have set out in Schedule A., transmitted herewith, the names of those who have duly attended the lectures during the session, and in Schedule B., also transmitted the names of those who, owing to illness or other good cause, were prevented from attending a due proportion of the lectures.

7. The attendance and discipline during the term were satisfactory.

8. I beg to recommend for the positions of senior and junior Student Librarians respectively F. W. Wegenast and Richard Honeyford.

Yours truly,

N. W. HOYLES.

The following candidates were then introduced and called to the Bar:—

Messrs. Wallace John McKay (with honours and silver medal), John Carscallen Sherry (with honours), William Farquhar McRae, William Edward Williams, Angus Compston Heighington, Molyneux Lockhart Gordon, Henry Howitt Edwin Wilbur Kearney, Miss Grace Ellen Hewson and Mr. Frederic Watt.

Convocation then rose.

FRIDAY, 5th June, 1908.

PRESENT: The Treasurer and Messrs. Bayly, Bicknell, Bruce, Guthrie, Harcourt, Hoskin, McKay, McMaster, McPherson, Ritchie, Strathy, Watson and White.

Convocation, pursuant to a special call of the Bench ordered on the 21st day of May, 1908, proceeded to the election of a Bencher in succession to the Honourable Mr. Justice Cassels. Mr. Cornelius Arthur Masten was declared elected a Bencher by Convocation. Mr. Masten was appointed a member of the following Standing Committees: Finance, Reporting, Library and Legal Education.

Messrs. John King, E. Douglas Armour, A. H. Marsh and McGregor Young were appointed lecturers in the Law School.

Ordered, upon a report of the Legal Education Committee, that the services of Messrs. R. R. Waddell, G. A. Cruise and A. M. Manson be allowed as sufficient. That Mr. E. R. Lynch, a solicitor of the Supreme Court of Barbados, and Mr. Arthur Alexander, a solicitor of the Supreme Court of Scotland, who have complied with the rules respecting the admission of solicitors in Special Cases and have passed the final examination of

the Law School, do receive their certificates of fitness as solicitors. That the following gentlemen be called to the Bar and do receive their certificates of fitness: Messrs. Richard Ruddock Waddell (with honours and bronze medal), Neil Douglas Maclean (with honours), George Arthur Cruise, Alexander Malcolm Manson, Fred Holmes Hopkins and Arno Lindner Bitzer.

These gentlemen were then introduced and called to the Bar.

The letter of Mr. W. J. Douglas, General Manager of the *Mail and Empire*, and Mr. J. F. Mackay, of *The Globe*, dated 28th May, 1908, addressed to the Secretary of the Law Society on the subject of compensation being paid to these papers for the report of legal proceedings was read. Ordered that the Secretary do reply that Convocation cannot accede to the request in the letter contained.

Mr. Bicknell then, pursuant to notice, moved to amend Rule 11, by striking out the word "three" in the fifth line of said rule, and by inserting in lieu thereof the word "four," and Rule 12, by striking out the words "and on the last Tuesday in June in Vacation."

Yeas: Messrs. Bicknell, Ritchie, Harcourt, McPherson, McKay, Strathy and Bayly—seven. Nays: Messrs. Watson, White and McMaster—three. The said rules were read a first time.

Mr. Bicknell gave notice that he would at the next meeting of Convocation move to amend Rule 105a by inserting the words "or of Practical Science of Queen's University at Kingston."

Mr. White gave notice that at the next meeting of Convocation he would submit for consideration the propriety of communicating to the Attorney-General that the appointment of Police Magistrates without due regard to professional qualification is inexpedient.

Convocation then rose.

Tuesday, June 30th, 1908.

PRESENT: The Treasurer and Messrs. Bicknell, Farewell, MacLennan, McMaster, Ritchie and Wilson.

The Minutes of the last meeting of Convocation held on Friday the 5th day of June, 1908, were read and approved.

Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar and do receive their certificates of fitness: Messrs. F. S. S. Dunlevie (with Honours), D. J. Cowan, J. N. Black and O. F. Taylor.

The following gentlemen were then introduced and called to the Bar: Frederick Spenser Sidney Dunlevie (with Honours), Harold Arthur Clement Machin, Donald James Cowan, John Noble Black and Oscar Frederick Taylor.

Ordered, upon a report of the Legal Education Committee, that Mr. Arthur Flynn be transferred from the Matriculant Class to the Graduate Class as of the date of obtaining his degree of B.A.

That the following gentlemen be allowed their First Year Examination: L. W. Field, O. H. King, R. W. Hart, C. J. Ford, C. F. Ritchie, T. H. Stinson, L. P. Sherwood, J. I. Grover, J. C. Stewart, G. S. McMahan, J. O. Begg, J. W. Heffernan, J. C. Macdonald, W. D. M. Shorey, W. G. Anderson, R. Dingwall, A. J. McKinley, F. Rielly and J. A. Dyke (equal), T. Arthur Flynn, N. R. Robertson, R. E. Alexander, T. W. Lawson, R. Honeyford, T. H. Peine and A. C. T. Lewis.

That the following gentlemen be allowed their Second Year Examination: A. H. Dowler, J. J. Gray, F. L. Bastedo, F. W. Wegenast, J. F. Lash, H. W. Foster and A. C. Grant; A. T. Davidson, C. E. Bothwell and J. McEwen; J. S. McKessock, G. R. Roach, G. A. Davidson, W. E. Brown, J. P. Crawford, C. A. Seguin, L. Davis, H. S. Wood, J. W. Carrick, S. B. VanKleek and C. E. H. Freeman (equal); A. A. Ingram, R. J. Byrnes and P. A. Lynch (equal); J. E. Caldwell, T. F. Hall, R. R. Perry, R. Wherry. The following have made up the deficiency of their Christmas Examination: J. D. Bissett, F. T. Treleaven, M. Macdonald, N. R. Hoffman, J. A. Clark, M. Grant, W. S. Edwards, G. E. McCann, F. H. Greenlees, A. M. Harley, B. D. Hall, F. H. Lytle, F. H. Keefer, A. Mackintosh, W. S. Morlock, R. G. Dow, G. B. Balfour, C. G. Locke. That the following gentlemen be allowed their Examination with Honours: Mr. A. H. Dowler (with a scholarship of \$100), Mr. J. J. Gray (with a scholarship of \$60), and Messrs. F. L. Bastedo, F. W. Wegenast, J. F. Lash, H. W. Foster and A. C. Grant

(each with a scholarship of \$40), and Messrs, A. T. Davidson, C. E. Bothwell and James McEwen (with Honours). It was ordered that the several sums as above awarded for scholarships be paid. That the petition of Mr. J. E. Parsons asking that his date of admission to the Law Society be reckoned as of Easter Term, 1905, and that he be called to the Bar and receive his certificate of fitness be refused. That Mr. G. G. Thrasher be informed that Convocation has no power to grant his application to be called to the Bar as he does not come within the terms of the Act of 1894, R.S.O. 172, sec. 2.

The Report of the Legal Education Committee in respect to the examination for Honours in the First Year was presented: viz, the Report of the Examiners shews that the following gentlemen have obtained sufficient marks to be allowed the Examination with Honours: L. W. Field, O. H. King, R. W. Hart, C. J. Ford, C. F. Ritchie, T. H. Stinson, L. P. Sherwood, and J. I. Grover.

The Committee find that the above are all in due course and are entitled to Honours on their First Year Examination.

Mr. J. C. Stewart puts in a claim to be allowed Honours inasmuch as he had written for Honours, but it appearing that he was out of his course as he, having been admitted as a Student in 1903, should have come up for his First Year Examination in Easter, 1906. He put in statutory declarations referring to the causes which delayed him for two years from taking this examination, also stating that he was not engaged in study during his absence ("less familiar with the study of law on return to principal's office" than when he left).

The Committee then ordered that the circumstances be reported to Convocation.

On the question so raised, it appearing that by Rule 130: "All students at law shall during the last three years of their attendance in Chambers or service under articles attend the Law School in years of the School course respectively in continuous and consecutive order of first, second and third years and must present themselves for the prescribed examinations"; and also it appearing by Rule 176: "Those only who are students at law in their regular years are entitled to be

“ passed with Honours, unless in any particular case Convocation shall see fit to award them,” and so Mr. Stewart was out of his course.

Convocation then voted on the question whether Mr. Stewart should be awarded Honours.

YEAS: Messrs. Wilson and Farwell. NAYS: Messrs. Bicknell, MacLennan, McMaster and Ritchie.

So it was passed in the negative.

Ordered, that the only persons entitled to Honours are Messrs. Field, King, Hart, Ford, Ritchie, Stinson, Sherwood and Grover, and they were so allowed by Convocation.

And therefore Mr. Field is entitled to a Scholarship of \$100, Mr. King to one of \$60 and Messrs. Hart, Ford, Ritchie, Stinson and Sherwood, each to one of \$40.

It was ordered that the several sums as above awarded for Scholarships be paid.

Mr. Ritchie on behalf of the Reporting Committee presented the following report: With reference to Mr. A. R. Hassard's letter calling attention to the Rule passed by the Judges on the 11th day of May, 1903, the Committee finds on application to the Editor that this Rule was one (the only one) passed by the Judges of the High Court and hence did not appear amongst the published Rules of the Supreme Court of Judicature. The Committee recommends that the Editor be instructed to have same published in the Reports.

Mr. W. H. Bartram's letter of the 2nd inst. calling attention to the report of the case of *Bartram v. Birtwhistle*, in 15 O.L.R. 634, was by direction of the Chairman of the Committee sent to the Editor with a request that he should make enquiries and report. The Editor has returned Mr. Bartram's letter with a letter of explanation from Mr. A. H. F. Lefroy. Your Committee recommends that the Secretary be instructed to acknowledge receipt of Mr. Bartram's communication and to send to him a copy of Mr. Lefroy's letter.

The report was adopted.

On the motion for the second reading of the Rule to amend Rule 11 by striking out the word “three” in the fifth line of said Rule and by inserting in lieu thereof the word “four,” it

was ordered that same do stand over until the first day of meeting of Convocation in Michaelmas Term 1908, and it was ordered that the Benchers be informed of same by including it in the notice to be sent by the Secretary shewing the days of meeting and business for that Term.

On the motion for the second reading of the Rule to amend Rule 12 by striking out the words "and on the last Tuesday in June in Vacation" it was ordered that same do stand over until the first day of meeting of Convocation in Michaelmas Term 1908, and it was ordered that the Benchers be informed of same by including it in the notice to be sent by the Secretary shewing the days of meeting and business for that Term.

Mr. Bicknell in pursuance of notice given at the last meeting of Convocation moved to amend Rule 105*a* by inserting the words "or of Practical Science of Queen's University at Kingston."

The amending Rule was read a first time and was ordered to be read a second time on the first day of Trinity Term next.

Mr. W. R. White not having submitted information on the subject of which he had given notice at the last meeting of Convocation, it was ordered that the matter do stand until Mr. White has furnished such information.

Mr. Bicknell gave notice that at the next meeting of Convocation he would move to amend Rule 137 by substituting the words "thirty-three" in place of "twenty-nine" and Rule 138 by substituting the words "thirty-three" in place of "twenty-nine" in the twelfth line thereof.

Convocation then rose.

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# LAW SOCIETY OF UPPER CANADA.

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TRINITY TERM, 1908.

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THURSDAY, September 17th, 1908.

PRESENT: The Treasurer and Messrs. Bayley, Bicknell, Bruce, Clarke, Farewell, Glenn, Harcourt, Hogg, Hoskin, Lash, Masten, McMaster, McPherson, Nesbitt (J. W.) Nesbitt (Wallace), Ritchie, Shepley, Strathy, White and Wilson.

The Secretary reported: That Mr. Francis Henry Chrysler an elected Bencher has failed to attend the meetings of Convocation for three consecutive terms, namely, Michaelmas, 1907, Hilary, 1908 and Easter, 1908. The report was referred to the Committee on Journals and Printing for report to Convocation thereon, pursuant to Rule 18(2).

The letter of Mr. W. R. White, dated September 9th, 1908, addressed to the Treasurer upon the subject (mentioned in the minutes of the last meeting of Convocation), of the propriety of certain appointments being conferred upon persons not qualified by legal attainments for the discharge of duties pertaining to such, was read.

On motion of Mr. Lash, it was ordered: That the Special Committee, composed of the Chairmen of the various Standing Committees, appointed on February 14th, 1908, in relation to the administration of justice, be authorized to continue their attention to the matters embraced, with all powers in such resolution contained and such matters cognate thereto as may arise hereafter; and that Mr. White's letter be referred to the said Committee.

Mr. Bicknell moved the second reading of the Rule to amend Rule 105a by inserting the words "or of Practical Science of Queen's University at Kingston," which had been read a first time at the last meeting of Convocation. The amending Rule was read a second and a third time and was then passed.

Mr. Bicknell's motion to amend Rule 137 was ordered to stand until the first day of meeting in Michaelmas Term next.

Convocation then rose.

FRIDAY, September 18th, 1908.

PRESENT: The Treasurer and Messrs. Bicknell, Bruce, Masten, McPherson, Nesbitt (Wallace), Shepley and Strathy.

Mr. Bruce from the Committee on Journals and Printing reported as follows: The Committee on Journals and Printing beg to report that they have examined the records and minutes of the Society and find that Francis H. Chrysler, a Bencher of the Society, failed to attend any meeting of the Benchers for three consecutive Terms, namely, Michaelmas, in the year 1907, and Hilary and Easter, in the year 1908, and the seat of the said Francis H. Chrysler, as a Bencher, has become vacant under the provisions of the Act, Revised Statutes of Ontario, chapter 172, section 28.

The report was read and received and Convocation ordered that same be taken into consideration on Friday, the 25th September, instant, and that Mr. Chrysler be notified of the report, and a copy sent to him, and that he be informed of the time at which it is to be taken into consideration.

Ordered, upon a report of the Legal Education Committee, that Messrs. E. W. Wright, W. A. Gordon and J. H. Cooke, be allowed to receive their certificates of fitness as solicitors upon the expiration of their respective periods of service under articles which do not expire until after the last meeting of Convocation this Term. That the service of Messrs. L. B. Spencer, C. M. Garvey and H. J. Macdonald be allowed as sufficient and that the lateness of notices for call given by Mr. H. J. Macdonald and Mr. J. H. G. Wallace, be waived. That the petition of Mr. H. E. McKitrick do stand until expiration of his period of service. That the following gentlemen be called to the Bar and receive their certificates of fitness: Messrs. C. M. Garvey, S. C. Kirkland, H. C. Macdonald, J. F. Boland, E. C. Spereman, R. J. V. McGowan, J. E. Parsons, H. P. Cooke. That Mr. E. W. Wright be called to the Bar. That the petitions of Mr. H. L. Slaght and Mr. F. G. Dyke, to be admitted as students at law notwithstanding the lapse of time since their examination for matriculation be granted. That the petition of Mr. P. M. Forin, a solicitor of the Supreme Court of Judicature of British Columbia do stand until the expiration of his term of service.

Mr. Bicknell from the Legal Education Committee also reported as follows:—

Re Christopher Robinson Memorial Scholarship,

The Legal Education Committee beg to report as follows:—

Under the Trust Deed dated the 14th December, 1907, \$2,161 was transferred to the Toronto General Trusts Corporation for the purpose of enabling the Law Society to institute a scholarship to be called "The Christopher Robinson Memorial Scholarship." The interest on this sum at  $4\frac{1}{2}$  per cent. per annum is payable to the Society on the 31st of May in each year. There will, therefore, be available on the 31st of May, 1909, \$142.72.

The Law Society is authorized to apply the income as in its discretion may be deemed proper and best having regard to the purpose mentioned, and to the wish and intention of the subscribers as declared in the Trust Deed. The wish and intention of the subscribers as declared in the Trust Deed are shortly as follows:—

(a) That the Scholarship be open for competition among students of the Law School who have taken honours in the examinations of the 2nd and 3rd years.

(b) That the Scholarship shall be awarded every year for the best essay, the composition of a member of the graduating class, within three months after the final examinations at the Law School.

(c) The subject of the essay to be announced at the beginning of the academical year previous to the competition and to be selected and the examiners appointed by the Benchers of the Law Society in Convocation.

(d) The names of the successful candidates or scholars to be entered in the curriculum of the School under the heading "The Christopher Robinson Scholarship Men" or "The Christopher Robinson Prize Men," and their names to be placed on a suitable board or tablet in the Phillips Stewart Library.

(e) The Scholarship to be awarded partly in books to the value of \$40, stamped with the arms of the Society and

the words "The Christopher Robinson Memorial Scholarship," and the balance in money.

In view of the approach of the next academical year of the Law School, the Committee recommend that the Legal Education Committee be authorized to prepare and submit to Convocation the necessary regulations respecting the institution of the Scholarship, and that the said Committee be requested to submit for the approval of Convocation during the present term the subject of the Essay for the year 1909.

The report was received and adopted.

The following gentlemen were then introduced and called to the Bar: Messrs. Charles Michael Garvey, Stuart Cameron Kirkland, Eugene Coleman Spereman, Robert John Valentine McGowan, Edward Warner Wright, James Edgar Parsons, Henry Porter Cooke.

Convocation then rose.

FRIDAY, September 25th, 1908.

PRESENT: The Treasurer, the Attorney-General, and Messrs. Bicknell, Bruce, Gibbons, Guthrie, Lynch-Staunton, McMaster, McPherson, Nesbitt (J. W.), Ritchie and Shepley.

The report of the Committee on Journals and Printing in respect to the failure of Mr. Chrysler to attend the meetings of Convocation was pursuant to order taken into consideration.

The letter of Mr. Chrysler to the Secretary, 24th instant, upon the subject of his absence, expressing his deep regret, was read.

The report was adopted and it was ordered that a call of the Bench be made for the 19th November, next, being the first day of Michaelmas Term, 1908, for the purpose of electing a Bencher in succession to Mr. Chrysler, whose seat has become vacant through failure to attend the meetings of Convocation.

Letters were read from the following County Law Associations: Hamilton, Frontenac, Hastings, Wellington, Middlesex, and from Mr. W. F. Kerr on behalf of the profession in the United Counties of Northumberland and Durham, requesting the Benchers to make arrangements with the Reporters of the Law

Society to furnish daily reports of the Court and Chamber proceedings to the newspapers.

Ordered, on motion of Mr. Lynch-Staunton, seconded by Mr. Nesbitt: That the Attorney-General be requested to consider the advisability in the interest of the public and profession of arranging that the presiding clerk in Court and Chambers at Osgoode Hall prepare a daily digest of all judgments in contested cases delivered on that day and have same ready to deliver to the newspapers for publication in the Toronto morning papers.

Mr. Bicknell, from the Legal Education Committee, presented the following regulations in respect to the award of the Christopher Robinson Memorial Prize:—

#### CHRISTOPHER ROBINSON MEMORIAL PRIZE.

Under a Trust Deed dated the 14th day of September, 1907, \$2,161 was transferred to the Toronto General Trusts Corporation, for the purpose of enabling the Law Society of Upper Canada to institute a Scholarship or Prize to be called The Christopher Robinson Memorial Scholarship or Prize. The interest on such fund is subject to the disposition of the Law Society.

The following regulations have been adopted with reference thereto:—

1. That a prize to be called The Christopher Robinson Memorial Prize be established, open for competition among the students of the Law School who have taken honours in the examinations of their second and third years.

2. That the prize be awarded every year for the best essay, the composition of a member of the graduating class, within three months after the final examinations at the Law School.

3. That the subject of the essay be selected by the Benchers of the Law Society in Convocation and announced at the beginning of the academical year previous to the competition.

4. That the examiners be appointed by the Benchers in Convocation during the Easter Term in each year.

5. Each essay shall on or before such date as may be fixed by the Legal Education Committee in each year, be forwarded in a

sealed envelope marked "Christopher Robinson Memorial Prize," to the Secretary of the Law Society.

6. Each essay shall bear a motto but not the name of the author, and shall be accompanied by a sealed envelope bearing the same motto outside and containing the author's name.

7. The prize shall be awarded by the examiners, or a majority of them, prior to the 1st of October next after the competition.

8. The amount of the prize shall be One Hundred Dollars, of which Forty Dollars shall be in books stamped with the arms of the Law Society and the words "The Christopher Robinson Memorial Prize."

9. The names of the successful Prizemen shall be entered in the Curriculum of the Law School under the heading "The Christopher Robinson Prizemen," and their names shall be placed on a suitable board or tablet in the Phillip Stewart Library.

10. If in any year the Examiners shall be of opinion that no essay of sufficient merit has been submitted deserving of the Prize, no prize shall be awarded in such year.

Ordered, upon a report of the Legal Education Committee, that the petition of Mr. D. M. Leask to be admitted as a student-at-law, notwithstanding the lapse of time since his examination for matriculation, be granted. That the service of Mr. H. U. Thomson be allowed. That the following gentlemen be called to the Bar and receive their certificates of fitness: Messrs. W. B. Mudie, L. B. Spencer, H. J. Macdonald, J. H. G. Wallace, H. U. Thomson. That Mr. W. W. Gordon and Mr. J. H. Cooke be called to the Bar.

The following gentlemen were then introduced and called to the Bar: Messrs. Hugh Calais Macdonald, John Francis Boland, William Balfour Mudie, Lynn Bristol Spencer, Hugh John Macdonald, Wesley Ashton Gordon, James Henry Cooke, James Hugh Gillmor Wallace, Harry Ussher Thomson.

Convocation then rose.





# LAW SOCIETY OF UPPER CANADA.

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MICHAELMAS TERM, 1908.

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THURSDAY, November 19th, 1908.

PRESENT: The Treasurer and Messrs. Bayly, Bicknell, Bruce, Glenn, Guthrie, Harcourt, Hoskin, McMaster, McPherson, Northrup, Ritchie, Smith, Strathy and Watson.

The Secretary reported: That Messrs. John McIntyre and William Barton Northrup, elected Benchers, have failed to attend the meetings of Convocation for three consecutive Terms, namely, Hilary, Easter and Trinity Terms, 1908. The report was referred to the Committee on Journals and Printing for report to Convocation pursuant to Rule 18(2).

Convocation then, pursuant to the order in that behalf of the 25th September, 1908, proceeded to the election of a Bencher. Mr. Francis Henry Chrysler was elected.

The following report was presented by the Discipline Committee:—

In the matter of the complaint of Margaret Carr, of Detroit, against H. G. Tucker, of Owen Sound, Esq., barrister and solicitor and a member of the Law Society of Upper Canada.

The Discipline Committee, to whom the above complaint was sent for investigation, beg to report that they duly proceeded with the investigation, and the parties, by their counsel, appeared before your Committee, as also did their witnesses. Your Committee heard the evidence and the argument of counsel, and find that it was not shewn that the said Mr. Tucker had been guilty of professional misconduct, nor had he been guilty of conduct unbecoming a barrister and solicitor.

Your Committee submit herewith the evidence adduced.

OSGOODE HALL, 19th November, 1908.

The report was received and adopted.

Ordered that consideration of the Report dated 12th September, 1907, of the Discipline Committee on the case of a solicitor which had on the 21st day of May, 1908, been ordered to stand over until to-day be further postponed until the first day of meeting in Michaelmas, 1909.

Ordered upon the report of the Legal Education Committee that the usual advertisement calling for applicants to fill a vacancy in the office of Examiner be published in the "World" newspaper only, and that a call of the Bench be made for Friday, the 14th day of December, 1908, for the purpose of appointing an examiner for the Law School under Rule 39.

Ordered upon a report of the Legal Education Committee that Mr. C. B. Nasmith be appointed Senior Examiner.

On motion of Mr. Bicknell, the Rule to amend Rule 11 by striking out the word "three" in the fifth line of said Rule and by inserting in lieu thereof the word "four," was read a second time and a third time and passed.

On motion of Mr. Bicknell, the Rule to amend Rule 12 by striking out the words "and on the last Tuesday in June in Vacation," was read a second and a third time and passed.

Ordered that the offer of the Edward Thompson Company, law publishers, contained in the letter of the 12th inst., in reference to a gift to the students' library and a prize be respectfully declined.

Mr. Watson, on behalf of the Special Committee appointed in reference to the Reporting System of the Society, stated that he expected a report would be made before long, as the subject was engaging close attention.

Convocation requested that Messrs. Watson, Ritchie, Bruce and Lynch-Staunton do wait upon the Attorney-General to enquire whether he has given consideration to the resolution of Convocation of the 25th September last on the subject respecting the assistance of the clerks in Court and in Chambers in connection with reports of proceedings in Court and Chambers.

Mr. Smith asked that the County Libraries Committee be requested to consider the advisability of obtaining a further grant from the Government in aid of County Libraries, and if so

the best course whereby to approach the Government to attain that end. Ordered that the above request be communicated to the County Libraries Committee.

In respect of the Special Committee, composed of the Chairmen of the various Standing Committees, appointed on the 14th February, 1908, in relation to the administration of justice, and continued by resolution of the 17th day of September, 1908, Convocation requested that Mr. Bruce be Chairman and Convener of the Committee.

Ordered, on motion of Mr. Ritchie, that it be referred to the Standing Committee on Journals and Printing to enquire into and report on the status of the Honourable James Pitt Mabee as an ex-officio Bencher.

Convocation then rose.



FRIDAY, November 20th, 1908.

PRESENT: The Treasurer and Messrs. Bicknell, Bruce, Gibbons, Harcourt, Lash, Masten, McMaster, McPherson, Ritchie and Strathy.

Mr. Bruce, from the Committee on Journals and Printing, presented the following report: The Committee on Journals and Printing beg to report that they have examined the records and minutes of the Society and find that John McIntyre, a Bencher of the Society, failed to attend any meeting of the Benchers for three consecutive terms, namely, Hilary, Easter and Trinity Terms in the year 1908, and the seat of the said John McIntyre as a Bencher has become vacant under the provisions of the Act, Revised Statutes of Ontario, ch. 172, sec. 28. The Committee further report that while the records and minutes of the Society do not shew the attendance of William B. Northrup, a Bencher of the Society, at any meeting of the Benchers in any of the three Terms of Hilary, Easter and Trinity in the year 1908, the said William B. Northrup states that he was present at a meeting in Easter Term, 1908, and his statement in that respect is borne out by some of the Benchers, and the Committee report

that the seat of the said William B. Northrup as a Bencher has not become vacant.

In respect to the portion relating to Mr. McIntyre, the report was read and received and Convocation ordered that same be taken into consideration on Friday, the 4th day of December, 1908, and that a copy thereof be sent to Mr. McIntyre, and that he be informed of the time at which it is to be taken into consideration.

The report so far as the same relates to Mr. Northrup was received and adopted.

Mr. Chrysler was appointed a member of the County Libraries Committee and also of the Committee on Journals and Printing.

Ordered that the usual advertisement in relation to the appointment of Reporters to be made on the first day of meeting in Hilary Term, 1909, be published in the "World" newspaper only, and that a Special Call of the Bench be issued for Thursday, the 4th day of February, 1909, being the first day of meeting of Convocation in Hilary Term, upon which day the appointment of an Editor and four Reporters is to be made.

Ordered, upon the report of the Legal Education Committee, that Mr. W. A. Henderson be called to the Bar and receive his certificate of fitness. That Mr. G. R. Brady be called to the Bar and that upon completion of his service under articles which expire on the 22nd inst., he be granted his certificate of fitness. That the service of Mr. L. M. Singer be allowed as sufficient, and that he be called to the Bar with honours and the Gold Medal, and do receive his certificate of fitness. That Mr. W. H. Kennedy, a solicitor of over ten years' standing, be called to the Bar on the 4th December. That the petition of Mr. A. A. Jones for admission as a student-at-law be granted, notwithstanding the lapse of time since his matriculation. That the petition of Mr. W. C. Macann be refused.

The following gentlemen were then introduced and called to the Bar; Messrs. Louis Michael Singer, with honours and Gold Medal, William Andrew Henderson and Gordon Richard Brady.

Mr. Bicknell renewed the notice of motion given by him on

the 30th June last, with reference to the amendment of Rules 137 and 138.

Mr. Bicknell, from the Legal Education Committee, presented a report upon the admission of solicitors from other provinces as follows:—

*The Treasurer and Benchers of  
The Law Society of Upper Canada:*

ADMISSION OF SOLICITORS FROM OTHER PROVINCES.

The Legal Education Committee begs to report as follows:—

(1) Solicitors from other provinces are entitled under the Act respecting Solicitors to be admitted to practice in Ontario upon (a) serving under articles for one year, and (b) upon satisfying the Benchers of their fitness and capacity. (See sections 4(5) and 13.)

(2) Rule 188(3) prescribes that such applicants shall pass the usual examinations in the subjects prescribed for the examination of candidates for certificates of fitness. It is therefore necessary for the applicants to pass the examinations of the Law School for the third year.

(3) The Committee has obtained copies of the Statutes and Rules as far as possible of the other provinces of Canada other than Prince Edward Island, which have not been forwarded, and the following is a short summary thereof:—

BRITISH COLUMBIA grants admission to solicitors from other provinces upon the passing of an examination concerning the Statute Law of British Columbia and the practice of its Courts.

ALBERTA authorizes the Benchers to enroll as members of the Society, with the titles of Barrister and Solicitor, any solicitor from any other province who produces evidence of his status and complies with the rules and regulations of the Society, provided that if a member of the Society (that is, a barrister and solicitor from Alberta) would be required to fulfil certain conditions as to examination or residence as a condition precedent to his being called to the Bar of which applicant is a member, or to his becoming an advocate, writer to the signet, attorney or solicitor of the Court in which the applicant holds such a status,

the Society may impose upon the applicant a like condition precedent to his enrolment as a member of the Society. Under this authority the Benchers have prescribed that a satisfactory examination on the Statutes of Canada, local statutory law and the practice of the Courts, shall be passed by the applicant. The examination is oral, and is held by a local Bencher. The examination is dispensed with if the province from which the applicant comes does not require any examination.

(See Statutes of 1907, ch. 20, sec. 34.)

IN SASKATCHEWAN all members of the Society are barristers and solicitors, and solicitors from other provinces are entitled to be admitted upon complying with such Rules as may be prescribed by the Benchers, "provided that if the person applying is a barrister, solicitor, advocate or attorney in a part of such dominions in which a barrister and solicitor of this province is or may be required to pass any examination before his call or admission therein it shall be competent for the Society or the Benchers thereof to impose a like requirement on such applicant; and provided further that if the person applying is a barrister, solicitor, advocate or attorney in a part of such dominions in which a barrister or solicitor of this province is or may be required to reside therein or serve under articles for any certain period before call or admission it shall be competent for the Society or the Benchers thereof to require a like residence or service under articles upon such applicant." (Statutes of 1907, ch. 19, sec. 8(b).)

Under this statute the Benchers have passed rules permitting the enrollment of barristers and solicitors from other parts of the Empire upon their passing a written examination in the Statutes in practice, and upon payment of fees amounting to \$410. No condition as to residence or the passing of any other examination has been imposed. (See Statutes 1907, ch. 19.)

IN MANITOBA solicitors of other provinces granting reciprocal privileges are admitted upon (a) one year's service under articles, (b) upon passing a satisfactory examination in the Statute Law and the practice of the Courts. (R.S.M. ch. 95, sec. 54.)

In QUEBEC no distinction exists between the branches of the profession, and barristers from Ontario are entitled to be admitted as advocates without service or examination.

In NOVA SCOTIA attorneys or solicitors of any Supreme Court in His Majesty's colonies are entitled to be admitted as barristers and solicitors in Nova Scotia on passing the usual final examinations required in the case of articled clerks. The practice there has been simply to require an applicant to take the examination on Procedure.

In NEW BRUNSWICK attorneys and barristers from other provinces may be recommended for admission to the Bar of the province on passing such examination as the Council may require and on payment of a fee of \$200, provided the province from which the applicant comes will in like manner admit attorneys and barristers from New Brunswick and further providing that no examination shall be required of any applicant in case the province from which he comes will in like manner admit attorneys and barristers from New Brunswick.

There appears to be no specific provision in the New Brunswick practice for the admission of a solicitor. Apparently, the right to practice at the Bar carries with it the right to practice as a solicitor.

In practice it would appear that the only examination required in any other province is an examination upon the Statute Laws of the province and the practice of the Courts.

(Sgd.) JAMES BICKNELL,

November 20th, 1908.

*Chairman.*

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Mr. Strathy presented the report of the Inspector of County Libraries for the year 1908, and it was ordered that the same be printed and distributed to the profession as usual.

Mr. Strathy gave notice that at the next meeting of Convocation he would move that a Special Committee consisting of the Chairmen of the several Standing Committees do wait upon the Honourable the Attorney-General and bring to his notice the report respecting ex-officio Benchers adopted by Convocation in

Hilary, 1907, and to urge upon him that legislation be passed for the purpose of carrying the recommendations of the report into effect, but requiring that such ex-officio Benchers shall be confined to members of the Bar who shall have been elected and have served during four quinquennial periods following such respective elections instead of three of such periods as mentioned in said report.

Convocation then rose.

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FRIDAY, December 4th, 1908.

PRESENT: The Treasurer and Messrs. Bayly, Bicknell, Bruce, Farewell, Guthrie, Harcourt, Hoskin, Masten, Ritchie, Smith, Shepley, White and Wilson.

Convocation in pursuance of notice duly given under Rule 43 proceeded to the appointment of an Examiner for the Law School in pursuance of Rule 39, the Legal Education Committee presenting a list of four applicants. Mr. Edwin George Long was declared elected and was appointed Examiner.

Ordered, upon motion of Mr. Bicknell, that it be referred to the Legal Education Committee to consider and make such recommendations as they may think fit upon the subject of the admission of solicitors or attorneys from other provinces of the Dominion.

Ordered that the petition of Mr. Simon J. McLean be referred to the Standing Committee on Legal Education with instructions to consider the whole subject raised by the petition and to enquire into and report upon the principles which should govern in relaxing or refusing to relax our requirements with regard to attendance upon the Law School.

Ordered that the offer of the Carswell Law Book Company in their letter of the 26th November, 1908, be respectfully declined.

Ordered, upon a report of the Legal Education Committee, that Mr. D. J. O'Donoghue be called to the Bar and receive his certificate of fitness. That Mr. S. J. Arnott be called to the Bar, and that upon completion of his service under articles which

expire on the 12th instant he do receive his certificate of fitness. That Mr. Peter McLaren Forin, a solicitor of the Supreme Court of British Columbia, who passed the final examination of the Law School and complied with the requirements of the rules in Special Cases do receive his certificate of fitness as a solicitor. That the petition of Mr. F. E. Harper be refused.

The report of the Committee on Journals and Printing in respect to the failure of Mr. McIntyre to attend the meetings of Convocation was pursuant to order taken into consideration. The letter of Mr. McIntyre to the Secretary of the 25th November acknowledging the Secretary's communication was read.

The report was adopted, and it was ordered that a Call of the Bench be made for Thursday, the 4th day of February, 1909, being the first day of meeting in Hilary for the purpose of electing a Bencher in succession to Mr. McIntyre, whose seat has become vacant through failure to attend the meetings of Convocation.

Mr. Strathy's notice of motion with respect to the appointment of a Special Committee to wait upon the Attorney-General in reference to ex-officio Benchers was ordered to stand until the first day of meeting in Hilary Term.

The following gentlemen were then introduced and called to the Bar: Messrs. Stephen James Arnott, Daniel John O'Donoghue and Walter Herbert Kennedy.

Mr. C. M. Garvey's letter of the 26th November was referred to the Finance Committee to consider and deal with same as such Committee may deem proper.

Convocation then rose.



## LAW SOCIETY OF UPPER CANADA.

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TO THE TREASURER AND BENCHERS OF THE LAW  
SOCIETY OF UPPER CANADA.

GENTLEMEN,—

Pursuant to your instructions, I have inspected the County Law Libraries for Ontario, other than that of Rainy River, and herewith submit my report.

With few exceptions the libraries are in better condition than last year, and I think the members of the Associations are taking more interest in their improvement. There is much yet to be desired however in this respect, but once interest is aroused, even if it is only temporary, it is beneficial.

This lack of interest is due, in many instances, to the burden that is placed upon one individual member, usually the Secretary of the Association, of doing everything from the collection of the fees to the expenditure of the money on books and the caring for them after purchase. The officers in other instances are responsible themselves; for instead of insisting on a meeting being held, they will arrange matters without one, and consequently the Association becomes merely the passive owner of a lot of books. Some Associations have not yet held their meetings, and in some cases the meeting has been called, but no one attended, and instead of the matter being followed up, it is allowed to drag on until the funds begin to run short, and it is necessary that the members get together in order to pass their report and obtain their grants. There is almost as much harm done by an officer who is willing to do too much, as by one who does too little, in fact, in the latter case, the members of the Association are apt to be more interested by reason of the complaints they have to make. The enthusiasm of the members in their Association is the best asset it can have, and it should be the object of the officers and members to encourage it and keep it alive. As any member of the Bar will find, it is where the Association as such is enthusiastic and acts as a whole that the libraries are well maintained.

Too many are of the idea that the local library is for themselves only, and that they owe little or nothing in the matter to the profession at large. They forget that the object of these branch libraries, so to speak, is to make the work of the profession as a whole throughout the province easier, more uniform, and of a higher standard, and they owe it to the profession to maintain their individual library at the highest possible efficiency. Their pride must be hurt by the remarks which some of the libraries must call forth from the visiting members of the profession. A contrast of the sums expended by the local profession directly and by the profession as a whole on these libraries will make this clear. In the year 1906 (leaving out the Association at Belleville, from which I have been unable to get the necessary information, its return for that year not having been yet made) the profession at large (the Law Society) contributed to the support and maintenance of the local libraries \$5,706.51, while the members of the Associations themselves contributed but \$3,995.50. In addition to this, the libraries have been helped by the Government to the extent of \$1,500. A little thought as to this aspect of the situation should stir up many of the members to what their duty is in the matter of maintenance of the local library.

But the profession at large are not entirely free from blame. The number of those contributing to these libraries in 1906, including Judges and Court officials who are members of the Associations (exclusive of the county of Hastings), was 915, while the names of practising solicitors, exclusive of Judges and Court officials who are not permitted to practice, as ascertained from the law list of that year, number 1,375. Why such a difference? It cannot be because of the excessive fees payable, for of the twenty-five Associations, not counting York county, which is in a class by itself, the yearly fee is as follows:—

2 Associations	.....\$ 4.00
15 Associations	..... 5.00
2 Associations	..... 6.00
1 Association	..... 7.50
1 Association	.....8.00
3 Associations	..... 10.00

This is the fee for resident members who have easy access to

the libraries at all times. The fee for those outside the county town in no case exceeds \$3.00, and in many cases is but \$1.00. These charges are surely small for access to books necessary to practice, and of thousands of dollars in value. The average amount spent during the year 1906 by the Associations in the actual purchase of books was \$253.17, and besides that the books are kept in order and room and accommodation provided. In addition, in many cases the books are made exceedingly valuable by annotations. Even if any member is not in active practice, and does not have need of the library, it should be a matter of professional pride with him to contribute the small amount asked for an object of vital interest to the well-being and advancement of his profession. With every barrister and solicitor a member, the various Associations would be in a position to largely enhance the value and service of the library at a trifling cost to each. So much so has this been felt by some Associations that the members have made special contributions in order to make their library more complete. In other cases the members have increased their annual fee in order to make the library answer the purpose of all, and save the individual members the necessity of investing money in books which soon become obsolete. The advantage of one library containing all the text books on any one subject is surely much greater than many libraries containing only some, and many of these duplicates. A great saving is made to the individuals by the building up of the County Library.

The question of librarians is a difficult one, as it is hard to find a person who is capable of looking after the books and making the annotations therein properly. However, where the Associations have set out to get such persons they have found them, and the amount they have to pay for the services performed is not large. The resulting benefit to the libraries can not be calculated. Any member of the profession knows what actual satisfaction there is working in any of the libraries where the reports and statutes are annotated and kept up to date by careful entry of decisions and amendments from time to time as they are published. Even should it be necessary to curtail some of the expenditure on books, I would strongly advise the employment of a permanent librarian where it is at all possible, provided, of course, the ser

vice is efficient. In some cases, where this is not done, I think the librarians are being paid too much for the services they are at present performing, considering what is obtained in other libraries for very little more. In seven of the libraries this annotation is being faithfully done, and you will not find one member who would prefer that the money be spent in books instead. In addition to this the interest of the members in the Association itself grows as they find the library more indispensable day by day.

Some of the Associations are fortunate in securing from their county an annual grant. There is no reason why this should not be obtained in all counties if the matter were laid properly before the county council. The benefit the Crown and county officers obtain from an up-to-date library, to say nothing of the indirect benefit to residents, more than warrants a grant from the municipal funds.

Where the county Judges take an active interest in the Association it is usually found that the library is more complete and up to date. One would expect that a county Judge, as the chief judicial officer in the county, would take a particular interest in maintaining a high standard for the profession of which he is a member, and seeking its advancement. In many cases this is done. Where such is not the case, the effect is apparent in lack of interest by the profession in the Association and its objects. The Judges can assist very much by requiring a higher standard from members of the profession, and the further study and research would necessitate the improvement of many libraries.

Some improvement has been made in keeping the records of the Associations, though it is hard to impress the necessity of it on the officers. Many of the Associations have been in existence for years, and their records form the only history of the Bar in the county and are instructive reading. Those Associations which have been more lately formed should bear in mind that the Association is not for a day or a year, but for years to come, and the present members should seek to leave behind them a record of what has been accomplished in the locality, which will be of service and an example to those following. All that is actually required is a minute book strongly bound in which they should enter carefully all the proceedings of the Association,

and a Treasurer's book shewing fully the receipts and expenditure properly vouched and audited each year. These are books absolutely necessary, but in addition I would advise an Accession Book in which would be entered the volumes added to the library from day to day, as they are obtained, with the date of the purchase, the name of the author, the edition, the name of the publisher, and the price paid. Further, I would advise the compilation in each library of a catalogue in a permanent form. As there are not a great many books added each year, it would be a small matter to keep this catalogue up to date by entering in it the names of the books as they are received. In case of fire, the Accession Book and the catalogue would be extremely valuable in making up proofs of loss, while in the frequent change of officers they are necessary to enable the incoming officers to check over and see what burden they are assuming. A set of these books in permanent binding would cost very little and last the Association many years.

In many cases the officers of the Association, and the librarian give themselves extra labour by not making such arrangement of their books as would provide for the additions made from year to year. The consequence is that they have continually to move large numbers of books in order to have the various series of reports running consecutively. By a little care, a great deal of this labour could be avoided and an arrangement made that would do for many years. The necessary shelf room should be obtained on application to the County Council to provide for this.

Difficulty is often experienced in obtaining from the county council the necessary shelving and furniture. It is remarkable that it is in those Associations where interest is lacking that this is the case. In almost every case where the Association is active and interest in it is alive, there appears to be no great difficulty in obtaining whatever is reasonable from the county councils, and one is forced to the conclusion that the fault lies a great deal with the members of the Association.

While speaking of shelving, it should be remembered that all law books are, with very few exceptions, of uniform size. The shelves should be so placed that as little space as possible be left above, and they should be made just the depth to take

the book. If this is attended to, it will be found that a strip of felt or leather placed on the face of the shelf will overlap the top of the books below, and will prevent, to a great degree, the accumulation of dust, which makes the library very unattractive, and is annoying to all who have to use it.

With reference to obtaining aid from the counties or obtaining the necessary shelving and furniture, if the Association would shew the county the large amount of money which has been expended in the establishment and the maintenance of the library from the time it was instituted, I do not think there would be very much difficulty in persuading any body of men of the reasonableness of any request that is likely to be made.

All of which is respectfully submitted.

DUNCAN DONALD.

Toronto, 23rd Sept., 1908.





## LAW SOCIETY OF UPPER CANADA.

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HILARY TERM, 1909.

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THURSDAY, February 4th.

PRESENT: The Treasurer and Messrs. Bayly, Bicknell, Bruce, Farewell, Gibbons, Glenn, Hoskin, Lynch-Staunton, Masten, McKay, Maclennan, McPherson, Nesbitt (J. W.), Nesbitt (Wallace), Ritchie, Shepley, Strathy and Watson.

Convocation elected Mr. John McIntyre a Bencher of the Law Society.

Ordered, upon a report of the Discipline Committee, that the complaint of Messrs. McDougall and McNairn-Hall against Mr. A. B. be referred to the said Committee for investigation.

Mr. Watson, on behalf of the Special Committee appointed on the 21st May, 1908, in relation to the Reporting System, presented a report which was received and read as follows:—

The Special Committee appointed by Convocation, May 21st, 1908, to enquire into the reporting system of the Law Society and as to the present supply and publication of the Ontario Law Reports, and particularly as to the policy pursued and the delays that have occurred in such publication, and as to whether changes may not be made so as to lead to results more satisfactory to the members of the profession, with direction and power to make full investigation and report upon the whole subject matter of the reporting system and the publication of the Reports and as to the expense incident thereto, begs to report as follows:—

1. After careful consideration of the subject matter, the Committee is of the opinion that it is not in the interests of the Society to adopt the block system of letting out by contract the work of reporting and printing and publishing the official Reports of the Society. On the other hand, it is deemed proper and expedient that the Society should retain substantial control

and direction, through its proper representatives, of the reporting and publication of its official reports.

In reaching this conclusion, the Committee has had regard to the very useful and instructive statements and opinions contained in the correspondence with several large law publishing houses. Such correspondence is attached hereto.

2. The Committee finds that on the 8th of December, 1905, Convocation adopted a report of the Reporting Committee, embodying an agreement on the part of the printers to print, bind and have ready for delivery by the first of each month the numbers of the Ontario Law Reports, and recommending that the Editor be instructed that the 25th day of each month should be the last day for turning in final proof certified for printing, and that he be authorized to notify the Reporters that failure on the part of any one of them to promptly prepare the cases to be reported by him and to do everything requisite on his part to have the same printed and published without unnecessary delay, would be deemed sufficient ground for dispensing with his services without further notice.

Your Committee finds that these directions have not been complied with, either in respect to the direction that the 25th day of each month should be the last day for turning in final proof certified for printing or as to publication and delivery by the first day of each month of the numbers of the Reports. Final proofs are quite frequently not turned in to the printers until after the 25th day of the month (see tabulated statement "A" annexed hereto), and the issue and delivery of parts of the Reports is quite frequently later than the first day of each month (see tabulated statement "B" annexed hereto).

The delays in these respects are often considerable, and the results are, therefore, believed to be quite unsatisfactory to the profession.

3. The Committee finds that so far as the printers are concerned, the direction of Convocation as to prompt publication might and would have been substantially complied with but for the fact that the directions hereto referred to given by Convocation have not been observed and followed. The Committee

deems it of importance that provision should be made and further directions given so that publication may take place promptly on the first day of each month, and the Committee also thinks that the monthly parts should bear the names of the respective months for which they are issued.

4. The Committee further finds that there have been and still are other serious and, as the Committee believes, unnecessary delays in the work of preparing cases for publication after delivery of judgment. The tabulated statement "C" annexed hereto shows the number of days that elapsed between the dates of delivery of judgment in the cases reported in several of the later volumes of Reports and the dates of delivery of final proof to the printers.

5. The Committee is of the opinion that the delays which have characterized the publication of the Reports have largely contributed to the popularizing of the weekly publication known as the Ontario Weekly Reporter to the disadvantage of our regular Reports. It also appears to the Committee that in the selection of cases to be reported in the regular Reports, the interests of the latter have been to a very marked extent subordinated to the interests of the weekly publication named. Important cases are omitted from the regular Reports and can be found only in the Weekly Reporter, and, in the opinion of the Committee, the omission of cases of importance in the regular Reports should in the future be provided against, even if the result of including them is to increase the cost of printing.

6. The Committee is also of the opinion that the Law Society should undertake and incorporate into its reporting system a weekly publication containing brief notes of cases decided during the week and the points determined in them, and that such issue should be prepared by the staff of Reporters and form part of their duties under the direction of the Editor-in-Chief, and that, if practicable from the standpoint of finances of the Society, such weekly issue should be supplied to members of the profession without extra charge. It is not, however, contemplated that the expense to the Society would be increased beyond the extra disbursement to be incurred incident to the additional printing required.

It is not, the Committee thinks, either necessary or expedient that full reports of all judgments should be published weekly. The publication should more nearly resemble the Weekly Notes published in England than the Weekly Reporter to which reference has been made. The latter has, no doubt, a legitimate sphere as a private enterprise, but our members should have advanced notes of decisions, and, as before stated, should also have in the regular Reports the decisions of importance.

7. The Committee is also of opinion that more care and precision should be taken and used in the preparation and revision of proofs. Mistakes may and do occur under the most favorable circumstances, but at the same time the Committee thinks that the clerical mistakes which apparently existed in the proof of the contents of Volume No. 16 of the Ontario Law Reports appear to be short of the line of reasonable accuracy. (See annexed statement marked "D.")

8. In view of the matters embraced in this report, the Committee is of the opinion that the time has arrived when, in order to have effective and satisfactory results from our system of reporting, the staff must be thoroughly re-organized. The Committee is, therefore, of the opinion that a change should be made whereby an Editor should be appointed by Convocation, who should be personally responsible for the conduct of the system, and that in connection therewith such provision and arrangement should be made for and with such Editor whereby he should, subject to the approval of Convocation, have the selection of his own staff, and that he should also assume payment for services of his own staff, taking upon himself the responsibility in the premises subject to such direction and control of the Society as may be provided therefor.

Mr. Watson moved the adoption of the report.

Mr. McPherson moved that the report be printed and sent to the members of Convocation for consideration, and that the same be considered on the first day of meeting next term.

Mr. McKay moved in amendment that the report be taken up now. A vote was then taken on the amendment of Mr.

McKay to the amendment of Mr. McPherson. Yeas—Messrs. Farewell, Glenn, Maclellan, Nesbitt (J. W.), and McKay—five. Nays—Messrs. Shepley, Watson, Lynch-Staunton, McPherson, Ritchie, Bruce, Strathy, Bayly and Masten—nine. Mr. McPherson moved his resolution which was carried.

Ordered that the Librarian's report for the year 1908, and his report for the year 1907 (which had not been printed), be printed and distributed with the next number of the Ontario Law Reports.

Mr. Shepley reported on behalf of the Library Committee as follows:—

The Library Committee reports to Convocation the case of Mr. —, who was observed, while engaged in the argument of a case at Osgoode Hall, defacing one of the volumes of the library with what appeared to be an indelible pencil. The custom of marking passages in our volumes has largely increased, and there seems to be great difficulty in appealing successfully to the good taste and honesty of some of our members.

Mr. — has apologized and offered reparation.

The Committee recommends that this report be printed and circulated with the next issue of the Reports in the earnest hope that the publicity thus effected may have the result of putting a stop to the disgusting and dishonest practice of disfiguring books which are the property of the whole profession and not merely of the few who follow the practice.

The report was adopted.

Ordered, upon a report and recommendation from the County Libraries Committee, that a Committee composed of Messrs. Strathy, Ritchie, Watson and Farewell wait upon the Attorney-General at an early date and urge upon him the necessity for an increased grant from the province to the County Law Associations.

In respect to the application of Mr. S. J. McLean for exemption from Law School lectures, and the whole subject matter raised by the petition, Convocation adopted the report of the

Legal Education Committee that it is not wise to relax in any case the rule making compulsory the attendance of students at the Law School.

The report of the Legal Education Committee upon the admission of solicitors from other provinces was received and ordered for consideration 12th instant.

The consideration of the appointment of Editor and Reporters was deferred until the 11th of June, and the Reporting Committee were requested to secure the continuance of the services of the Reporting Staff meanwhile.

Ordered that the Secretary do acknowledge the letter of Mr. W. Proudfoot, Secretary of the Huron Law Association, dated 18th January, stating that the whole subject of Reports and the supply of Notes of Cases is now before Convocation.

Mr. Lynch-Staunton gave notice that on the first day of meeting in next term he would move that the publication of the Ontario Law Reports be discontinued.

Convocation then rose.

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FRIDAY, February 5th.

PRESENT: The Treasurer and Messrs. Bayly, Bicknell, Gibbons, Harcourt, McMaster, McPherson, Shepley and Strathy.

Ordered, upon a report of the Legal Education Committee: That the application of Mr. John Charles Elliott for the issue of his certificate of fitness be refused. That Mr. R. N. McCormick and Mr. A. H. Foster be admitted as students at law, notwithstanding the lapse of time since their matriculation. That the application of Mr. J. G. G. Bagley to the Legislature for admission as a barrister and solicitor be opposed, and that the Chairman of the Legal Education Committee and the Journals Committee be requested to take such steps in opposition as they may deem advisable. That Mr. G. G. Plaxton and Mr. H. N. Baker do receive their certificates of fitness and that Mr. Plaxton be called to the Bar.

Convocation then rose.

FRIDAY, February 12th.

PRESENT: The Treasurer and Messrs. Bicknell, Harecourt, McMaster, Nesbitt (Wallace) and Strathy.

Mr. George Gordon Plaxton was introduced and called to the Bar.

The report of the Legal Education Committee in respect to the admission of solicitors from other provinces which had been ordered for consideration to-day, was adopted as follows: That the Rules of the Society be amended so as to enable solicitors from other provinces extending like privileges to this province to receive certificates of fitness upon (a) serving one year under articles and (b) passing an examination in the statute law of this province and the practice of the Courts thereof. Mr. Bicknell was given leave to submit a rule amending Rule 188 for introduction on the first day of next term.

The Chairman of the Finance Committee being detained in Court, Convocation abstained from calling up the report on the financial statement for the past year.

Ordered upon a report of the Legal Education Committee that Mr. H. E. McKitrick do receive his certificate of fitness upon proper proof of the completion of his term of service under articles, which expires in March.

Convocation then rose.



# Law Society of Upper Canada

## COPY OF REPORT.

PRESENTED 4TH FEBRUARY, 1909.

To Sir Æmilius Irving, K.C.,  
Treasurer,  
And to the Members of Convocation:

The Special Committee appointed by Convocation, May 21st, 1908, to enquire into the reporting system of the Law Society and as to the present supply and publication of the Ontario Law Reports, and particularly as to the policy pursued and the delays that have occurred in such publication, and as to whether changes may not be made so as to lead to results more satisfactory to the members of the profession, with direction and power to make full investigation and report upon the whole subject matter of the reporting system and the publication of the Reports and as to the expense incident thereto, begs to report as follows:—

1. After careful consideration of the subject matter, the Committee is of the opinion that it is not in the interests of the Society to adopt the block system of letting out by contract the work of reporting and printing and publishing the official Reports of the Society. On the other hand, it is deemed proper and expedient that the Society should retain substantial control and direction, through its proper representatives, of the reporting and publication of its official reports.

In reaching this conclusion, the Committee has had regard to the very useful and instructive statements and opinions contained in the correspondence with several large law publishing houses. Such correspondence is attached hereto.

2. The Committee finds that on the 8th of December, 1905, Convocation adopted a report of the Reporting Committee, embodying an agreement on the part of the printers to print, bind and have ready for delivery by the first of each month the numbers of the Ontario Law Reports, and recommending that

the Editor be instructed that the 25th day of each month should be the last day for turning in final proof certified for printing, and that he be authorized to notify the Reporters that failure on the part of any one of them to promptly prepare the cases to be reported by him and to do everything requisite on his part to have the same printed and published without unnecessary delay, would be deemed sufficient ground for dispensing with his services without further notice.

Your Committee finds that these directions have not been complied with, either in respect to the direction that the 25th day of each month should be the last day for turning in final proof certified for printing or as to publication and delivery by the first day of each month of the numbers of the Reports. Final proofs are quite frequently not turned in to the printers until after the 25th day of the month (see tabulated statement "A" annexed hereto), and the issue and delivery of parts of the Reports is quite frequently later than the first day of each month (see tabulated statement "B" annexed hereto).

The delays in these respects are often considerable, and the results are, therefore, believed to be quite unsatisfactory to the profession.

3. The Committee finds that so far as the printers are concerned, the direction of Convocation as to prompt publication might and would have been substantially complied with but for the fact that the directions hereto referred to given by Convocation have not been observed and followed. The Committee deems it of importance that provision should be made and further directions given so that publication may take place promptly on the first day of each month, and the Committee also thinks that the monthly parts should bear the names of the respective months for which they are issued.

4. The Committee further finds that there have been and still are other serious and, as the Committee believes, unnecessary delays in the work of preparing cases for publication after delivery of judgment. The tabulated statement "C" annexed hereto shows the number of days that elapsed between the dates of delivery of judgment in the cases reported in several of the later volumes of Reports and the dates of delivery of final proof to the printers.

5. The Committee is of the opinion that the delays which have characterized the publication of the Reports have largely contributed to the popularizing of the weekly publication known as the Ontario Weekly Reporter to the disadvantage of our regular Reports. It also appears to the Committee that in the selection of cases to be reported in the regular Reports, the interests of the latter have been to a very marked extent subordinated to the interests of the weekly publication named. Important cases are omitted from the regular Reports and can be found only in the Weekly Reporter, and, in the opinion of the Committee, the omission of cases of importance in the regular Reports should in the future be provided against, even if the result of including them is to increase the cost of printing.

6. The Committee is also of the opinion that the Law Society should undertake and incorporate into its reporting system a weekly publication containing brief notes of cases decided during the week and the points determined in them, and that such issue should be prepared by the staff of Reporters and form part of their duties under the direction of the Editor-in-Chief, and that, if practicable from the standpoint of finances of the Society, such weekly issue should be supplied to members of the profession without extra charge. It is not, however, contemplated that the expense to the Society would be increased beyond the extra disbursement to be incurred incident to the additional printing required.

It is not, the Committee thinks, either necessary or expedient that full reports of all judgments should be published weekly. The publication should more nearly resemble the Weekly Notes published in England than the Weekly Reporter to which reference has been made. The latter has, no doubt, a legitimate sphere as a private enterprise, but our members should have advanced notes of decisions, and, as before stated, should also have in the regular Reports the decisions of importance.

7. The Committee is also of opinion that more care and precision should be taken and used in the preparation and revision of proofs. Mistakes may and do occur under the most favorable circumstances, but at the same time the Committee thinks that the clerical mistakes which apparently existed in the proof

of the contents of Volume No. 16 of the Ontario Law Reports appear to be short of the line of reasonable accuracy. (See annexed statement marked "D.")

8. In view of the matters embraced in this report, the Committee is of the opinion that the time has arrived when, in order to have effective and satisfactory results from our system of reporting, the staff must be thoroughly re-organized. The Committee is, therefore, of the opinion that a change should be made whereby an Editor should be appointed by Convocation, who should be personally responsible for the conduct of the system, and that in connection therewith such provision and arrangement should be made for and with such Editor whereby he should, subject to the approval of Convocation, have the selection of his own staff, and that he should also assume payment for services of his own staff, taking upon himself the responsibility in the premises subject to such direction and control of the Society as may be provided therefor.

(Sgd.)      GEORGE H. WATSON,  
Chairman.

PROCEEDINGS OF THE LAW SOCIETY OF UPPER CANADA

STATEMENT OF RECEIPTS AND EXPENDITURE

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31st DECEMBER, 1908.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1907.

RECEIPTS.

1907		1908
	Solicitors' Certificates:	
	Paid after the beginning of the year,	
\$ 2,955 00	but payable the Michaelmas pre-	
	vious . . . . .	\$ 3,850 00
153 00	Fines Collected . . . . .	268 00
445 25	Fees and fines in arrear prior to the	
	preceding Michaelmas . . . . .	323 00
20,715 00	Payable in Michaelmas of the current	
	year. . . . .	20,955 00
<u>\$ 24,268 25</u>		<u>\$ 25,396 00</u>
	Barristers' Annual Fees:	
	Paid after the beginning of the year,	
	but payable the Michaelmas previ-	
424 00	ous . . . . .	530 00
203 00	In arrear prior to the Michaelmas of	
	the preceding year . . . . .	275 00
2,738 00	Payable in Michaelmas of the current	
	year . . . . .	2,754 00
<u>3,365 00</u>		<u>3,559 00</u>
122 00	Notice Fees . . . . .	144 00
3,750 00	Students' Admission Fees . . . . .	4,650 00
76 00	Fees on Petitions and Diplomas . . . . .	71 00
13,575 00	Law School Tuition Fees . . . . .	16,255 00
2,875 00	Solicitors' Examination Fees . . . . .	3,470 00
	Call Fees under 57 Vict. ch. 44 and	
1,600 00	other Cases . . . . .	100 00
4,495 00	Call Fees in Ordinary Cases . . . . .	4,380 00
<u>6,095 00</u>		<u>4,480 00</u>
<u>\$ 54,126 25</u>	Carried forward . . . . .	<u>\$ 58,025 00</u>

## LAW SOCIETY OF UPPER CANADA.

1907		1908
\$ 54,126 25	Brought forward .....	\$ 58,025 00
	County Library Loans returned:—	
	30 00 Essex .....	50 00
	Kent .....	45 00
	Lambton .....	35 00
	52 50 Leeds .....	52 50
	50 00 Lindsay .....	50 00
	Oxford (2 instalments) .....	67 00
	32 50 Perth .....	32 50
	Stormont .....	30 00
	Welland .....	33 50
165 00	Commission on Telegraph Messages .....	395 50
40 81	Interest and Dividends .....	36 16
1,601 70	Fines in respect of Students' Lending Library..	3,373 89
6 20	Grant from Ontario Government in aid of Tele- graph and Telephone Service .....	30
175 00	Subscriptions for Statutes for 1907.	175 00
	“ “ “ 1908.	72 00
792 00	“ “ “ 1909.	890 00
	Grand Total .....	\$ 62,967 85
<u>\$ 56,906 96</u>		

## EXPENDITURE.

## REPORTS—

2,416 00	Printing Reports .....	1,887 75
	Salaries:—	
	2,000 00 Editor .....	2,000 00
	4,800 00 Reporters .....	4,800 00
6,800 00		6,800 00
<u>9,216 00</u>		<u>8,687 75</u>

## LAW SCHOOL:—

## Salaries:—

5,000 00	Principal .....	5,000 00
6,000 00	Four Lecturers at \$1,500 each .....	6,000 00
1,650 00	Salaries of Examiners .....	1,650 00
237 50	Scrutineers at Examinations .....	130 00
250 50	Printing and Stationery .....	297 85
784 87	Scholarships and Medals .....	752 99
854 24	Caretaking, Light, Heating, Furniture and Maintenance .....	779 57
<u>\$ 14,777 11</u>		<u>\$ 14,610 41</u>
\$ 23,993 11	Carried forward .....	\$ 23,298 16

LAW SOCIETY OF UPPER CANADA.

1907		1908
\$ 23,993 11	Brought forward .....	\$ 23,298 16

LIBRARY:—

3,382 69	Books purchased .....	4,182 81
406 30	Binding .....	533 85
86 53	Maintenance including Stationery...	144 90
	Dusting books and cleaning .....	250 00
<hr/>		<hr/>
3,875 52		5,111 56

Salaries:—

1,900 00	Librarian .....	2,400 00
1,000 00	Ass't Librarian ...	1,000 00
	Attendance during	
	evenings .....	183 00
<hr/>		<hr/>
3,080 75		3,583 00
<hr/>		<hr/>
6,956 27		8,694 56

LAW COSTS:—

141 66	Taxed Costs and Counsel Fees .....	86 09
<hr/>		<hr/>
824 35	TELEGRAPH AND TELEPHONE OFFICE....	811 86

LIGHT, HEATING, WATER, GROUNDS AND INSURANCE:—

Payment to Ontario Government for		
890 00	Steam Heating .....	890 00
601 76	Lighting .....	648 69
56 55	Heating .....	90 65
128 97	Water .....	112 29
1,031 55	Grounds .....	1,072 12
7 50	Insurance on Books at Bindery....	7 50
	Rent for Safe Deposit Drawer for	
	Inventories .....	8 00
<hr/>		<hr/>
2,724 33		2,829 25

ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE .....

1,648 53		625 65
<hr/>		<hr/>
1,000 00	Appropriation to meet expenditure incurred, not paid .....	

COUNTY LIBRARIES AID:—

Annual Grants.

246 34	Brant .....	\$ 228 84
67 67	Bruce .....	64 67
540 00	Carleton .....	565 00
239 45	Elgin .....	241 62
227 50	Essex .....	222 50
154 78	Frontenac .....	160 40
	Grey (for 2 years) .....	180 46
545 00	Hamilton .....	555 00

<hr/>	<hr/>	<hr/>
\$ 37,288 25	\$2,020 74	Carried forward .....
		\$2,218 49
		\$ 36,345 57

## LAW SOCIETY OF UPPER CANADA.

1907		1908	
\$ 37,288 25	\$2,020 74	Expenditure—Brought forward . . . . .	\$ 2,218 49 \$36,345 57
	218 33	Huron . . . . .	208 34
	150 00	Kent . . . . .	155 00
	136 67	Lambton . . . . .	126 67
	190 66	Leeds . . . . .	182 86
	182 50	Lindsay . . . . .	182 50
	490 00	Middlesex . . . . .	470 00
	45 00	Norfolk . . . . .	45 00
	113 00	Ontario . . . . .	86 00
		Oxford (for 2 years) . . . . .	241 67
	108 33	Perth . . . . .	103 33
	162 60	Peterborough . . . . .	193 40
	42 24	Rainy River . . . . .	
	163 22	Simcoe . . . . .	113 67
		Stormont (for 1907) . . . . .	98 84
	195 00	Waterloo . . . . .	177 50
	115 00	Welland . . . . .	125 00
		Wellington (for 1907) . . . . .	236 34
	800 00	York . . . . .	731 23
	<u>5,133 29</u>		<u>\$ 5,695 84</u>
	225 00	Payment to Inspector for 1907 . . . . .	
		“ “ “ 1908 . . . . .	225 00
			<u>\$ 5,920 84</u>
	<u>5,358 29</u>		

## LOANS:

	386 00	Essex . . . . .	\$
	450 00	Kent . . . . .	
	350 00	Lambton . . . . .	
	335 00	Welland . . . . .	
	<u>1,521 00</u>		
6,879 29			

## SECRETARIAT AND CARETAKING:—

	1,500 00	Secretary's Salary . . . . .	1,800 00
	100 00	Auditor's Fee . . . . .	100 00
	660 00	Caretaker's Wages . . . . .	615 00
	139 71	General Expenses and Housecleaning . . . . .	262 18
\$ 2,399 71			<u>\$ 2,777 18</u>

265 98

## PRINTING, ADVERTISING AND STATIONERY.

261 18

## SUPREME COURT REPORTS:—

	1,997 50	Subscription to Vol. 38, as per contract with the C. L. B. Co. . . . .	
	996 87	Subscription to Vol. 39, as per contract with the C. L. B. Co. . . . .	964 37
		Subscription to Vol. 40, as per contract with the C. L. B. Co. . . . .	1,928 75
\$ 2,994 37			<u>\$ 2,893 12</u>

## STATUTES:—

	1,153 28	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society . . . . .	998 20
<u>\$ 50,980 88</u>		Carried forward . . . . .	<u>\$ 49,196 09</u>

LAW SOCIETY OF UPPER CANADA.

v

1907		1908
\$ 50,980 88	Expenditure—Brought forward . . . . .	\$ 49,196 09
MISCELLANEOUS:—		
427 25	Term Expenditure . . . . .	\$ 442 68
59 66	Postage . . . . .	46 56
3 20	Telegrams . . . . .	2 06
3 00	Rent of Box in Safe Deposit Vaults . . . . .	3 00
19 50	Ice for the year . . . . .	19 50
60	Miscellaneous . . . . .	2 65
10 00	Grant in aid of Circuit Guide . . . . .	10 00
5 00	Engrossing Address . . . . .	
	Portrait of Sir William Mulock . . . . .	400 00
528 21		926 45
\$ 51,509 09		\$ 50,122 54

Audited and found correct.

W. H. Cross, Auditor.

TORONTO, 18th January, 1909.







## LAW SOCIETY OF UPPER CANADA.

*To the Benchers in Convocation assembled:*

The Library Committee beg leave to report as follows:—

Your Committee submit herewith the Librarian's report for the year 1908, and recommend that the said report, and also the Librarian's report for 1907 (which has not been printed), be printed and distributed with the next number of the Ontario Law Reports.

February 4th, 1909.

THE LIBRARY, OSGOODE HALL,  
TORONTO, January 23, 1909.

*To the Chairman and Members of the Library Committee of  
the Law Society of Upper Canada:*

The Librarian begs to submit his report for the year 1908, as follows:—

The expenditure for Library purposes during the year was \$8,444.56, disbursed as follows:—

Books and periodicals .....	\$4,182 81
Binding. . . . .	360 85
Re-binding, repairs, etc., .....	173 00
Stationery and sundries .....	144 90
Cleaning library and books.....	250 00
Salaries .....	3,583 00
	<hr/>
	\$8,444 56

Appended to this report is an estimate of the expenditure for the current year; also a classified list of the volumes added to the library during the past year, with their cost; and a list of the volumes presented, with the names of the donors.

The number of bound volumes added was 1,051, of which 134 were presented and 239 taken in as periodicals and subsequently bound. The library now contains 38,553 volumes.

The Library was open on 244 evenings, with total attendance as follows:—

	Total	Average
Barristers . . . . .	1125	4.61
Students. . . . .	1119	4.58
	—	—
	2244	9.19

In 1907 the attendance for 241 evenings was 1,001 barristers and 880 students.

All of which is respectfully submitted.

W. GEO. EAKINS,  
*Librarian.*

#### EXPENDITURE, 1908.

Books, periodicals, etc.—	
Books and pamphlets. . . . .	\$3,499 61
Periodicals. . . . .	611 57
Stamping. . . . .	25 80
Freight, brokerage, etc. . . . .	45 83
	—————\$4,182 81
Binding . . . . .	360 85
Re-binding, repairs, etc. . . . .	173 00
Stationery and supplies . . . . .	144 90
Cleaning library and books . . . . .	250 00
Salaries . . . . .	3,583 00
	—————\$8,444 56

#### ESTIMATED EXPENDITURE, 1909.

Books, periodicals, etc.—	
Books and pamphlets . . . . .	\$3,200 00
Periodicals . . . . .	575 00
Stamping . . . . .	25 00
Freight, brokerage, etc. . . . .	50 00
	—————\$3,850 00
Binding. . . . .	400 00
Re-binding, repairs, etc. . . . .	275 00
Stationery and supplies . . . . .	125 00
Cleaning library . . . . .	250 00
Salaries . . . . .	3,600 00
	—————\$8,500 00

## ACCESSIONS, 1908.

	Vols.	Cost.
Texts—Canada . . . . .	21	\$132 00
United Kingdom . . . . .	61	308 94
Australia . . . . .	1	11 25
United States . . . . .	13	62 85
Reports—Canada . . . . .	116	314 25
United Kingdom . . . . .	83	372 32
Australasia . . . . .	16	211 66
India . . . . .	4	15 00
South Africa . . . . .	1	7 50
United States . . . . .	252	744 58
Statutes—Canada . . . . .	45	60 25
Newfoundland . . . . .	36 in 6	591 00
United Kingdom . . . . .	10	33 61
Australasia . . . . .	21	145 00
United States . . . . .	40	119 77
Digests, Encyclopedias, Indexes, etc. . . . .	109	802 82
Parliamentary . . . . .	134	80 95
Miscellaneous (including periodicals) . . . . .	89	261 10
General Literature . . . . .	29	107 56
	<hr/>	<hr/>
	1,051	\$4,382 41
Volumes purchased . . . . .	678	
Volumes bound for the library . . . . .	239	
Volumes presented . . . . .	134	
	<hr/>	
	1,051	

## PRESENTATIONS, 1908.

	Vols.
Angus MacMurchy, Esq.—Hill's Workmen's Compensation Act . . . . .	1
A. McCharles, Esq.—Reminiscences . . . . .	1
Canadian Military Institute—Papers, 1900-7. . . . .	1
International Law Association—Report of Annual Conference, 1907. . . . .	1
New York State Library—Annual Reports . . . . .	3
Canadian Bank of Commerce—Annual Reports . . . . .	2

Toronto City Council—Minutes of Proceedings, 1907 .....	1
Library of Congress—Librarian's Annual Report, 1907 .....	1
Toronto University—Calendar .....	1
Trinity University—Year Book .....	1
U. S. Commissioner of Education—Annual Report. ....	3
State of Massachusetts—Acts, 1908 .....	1
P. S. King & Son—Lists of Parliamentary Papers, 1896-1907 .....	1
Dominion and Provincial Statutes and other Publications .....	115
Newfoundland Statutes .....	1

## LAW SOCIETY OF UPPER CANADA.

EASTER TERM.

THURSDAY, May 20th, 1909.

PRESENT: The Treasurer and Messrs. Bayly, Bruce, Clarke, Guthrie, Harcourt, Hogg, Hoskin, Lynch-Staunton, Masten, McIntyre, McKay, McMaster, Nesbitt (John W.), Strathy, Watson and Wilson.

It was moved by Dr. Hoskin, seconded by Mr. Guthrie, that Sir Æmilius Irving be elected Treasurer for the ensuing year. Carried. The Treasurer then returned thanks in very cordial terms.

The following members of Convocation were appointed a Special Committee to strike the Standing Committees for the ensuing year: Messrs. Strathy, Bruce, McKay and Watson.

The said Committee reported the following members of Convocation to compose the Standing Committees for the ensuing year:—

*Finance.*—Messrs. A. B. Aylesworth, A. Bruce, A. H. Clarke, G. C. Gibbons, F. W. Harcourt, John Hoskin, C. A. Masten, A. C. McMaster, W. D. McPherson, C. H. Ritchie, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Legal Education.*—J. Bicknell, J. M. Glenn, D. Guthrie, F. W. Harcourt, John Hoskin, Z. A. Lash, G. Lynch-Staunton, C. A. Masten, A. C. McMaster, W. D. McPherson, C. H. Ritchie, H. H. Strathy, G. H. Watson, M. Wilson.

*Reporting.*—Messrs. J. Bicknell, D. Guthrie, Z. A. Lash, G. Lynch-Staunton, C. A. Masten, John McIntyre, S. G. McKay, A. C. McMaster, W. D. McPherson, J. W. Nesbitt, C. H. Ritchie, G. F. Shepley, G. H. Watson, M. Wilson.

*Discipline.*—R. Bayly, A. Bruce, J. E. Farewell, J. J. Foy, W. D. Hogg, John Hoskin, S. G. McKay, W. D. McPherson, Wallace Nesbitt, W. B. Northrup, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

*Library.*—A. B. Aylesworth, S. H. Blake, J. E. Farewell, J. M. Glenn, F. W. Harcourt, G. Lynch-Staunton, C. A. Masten, Wallace Nesbitt, W. B. Northrup, C. H. Ritchie, G. F. Shepley, E. Sydney Smith.

*Journals and Printing.*—Messrs. J. Bicknell, A. Bruce, F. H. Chrysler, A. H. Clarke, G. C. Gibbons, J. M. Glenn, F. W. Harcourt, D. B. MacLennan, A. C. McMaster, W. D. McPherson, E. Sydney Smith, W. R. White.

*County Libraries.*—R. Bayly, A. Bruce, F. H. Chrysler, J. E. Farewell, J. M. Glenn, D. Guthrie, John McIntyre, S. G. McKay, J. W. Nesbitt, W. B. Northrup, H. H. Strathy, M. Wilson.

Mr. W. H. Cross was appointed auditor for the ensuing year.

Mr. Bicknell was elected as representative of the Law Society on the Senate of the University of Toronto pursuant to Statute.

Convocation resumed the consideration of the report of the Special Committee appointed on the 21st day of May, 1908, in relation to the Reporting System of the Society which was presented to Convocation on the 4th February last and then ordered to be printed and sent to the members of Convocation for consideration on this day.

After debate, Mr. Lynch-Staunton moved that the report of the Special Committee be not received and adopted and that the publication of the Ontario Law Reports be discontinued. Lost on a division.

Mr. Watson then moved, seconded by Mr. Bayly, the adoption of the report, subject to the following resolution: That it be referred to a Special Committee consisting of members hereinafter mentioned to further consider and adapt the system set forth in clauses 6, 7 and 8 of the report of the Special Committee, with power to act and complete necessary arrangements and appointments to carry out the scheme referred to in the Report and adopted by Convocation, it being understood that the arrangements to be made will not involve any increase of fees to members of the profession and that it is not to be made for a longer period than three years and that the Committee should report to Convocation its action in the premises. Members: Messrs. Ritchie, Shepley, Lynch-Staunton, Bruce, McKay, McPherson, McMaster, Watson and Harcourt. Carried.

The following letter from Lt.-Col. Septimus Denison, Chief Staff Officer, Western Ontario Command, was read and referred to the Finance Committee for report to Convocation.

Headquarters, Western Ontario,

TORONTO, May 3rd, 1909.

*Dear Sir*,—On the 26th March, 1896, an indenture was made to close Osgoode Street as a public street and enclose it within the Drill Hall grounds, to which the Law Society was a consenting party, under certain conditions, as laid down therein which can be found in schedule to an Act contained in Chapter VIII., 59th Victoria, Statutes of Ontario. The Dominion Government, represented by the Honourable the Minister of Militia and Defence, is anxious to enter into the same; I am therefore instructed by the General Officer Commanding, Western Ontario Command, to request that the Law Society, as the party thereto of the first part, will execute the agreement and thus make it valid and binding. Will you please bring this matter before the Law Society with a view to obtaining that end?

Yours truly,

SEPTIMUS DENISON,

*Lt.-Colonel,*

*Chief Staff Officer, Western Ont.*

The Secretary, Law Society,  
Osgoode Hall.

The statement of receipts and expenditures of the Society for the year ending 31st December, 1908, pursuant to R.S.O. ch. 172, sec. 53, was presented and adopted, and it was ordered that same be printed and distributed to the profession in the ordinary course and pursuant to the Statute and the Rules in that behalf.

The letter of Mr. E. L. Newcombe, 20th April, 1909, addressed to Mr. Shepley, referring to a Canadian Law Library for the use of Canadian counsel in England, was read, and the subject thereof was referred to Messrs. Bruce, Shepley and Harcourt to confer together in England and to act therein in the interests of the Law Society as they may deem proper.

The letter dated 17th inst., of Mr. W. H. Greenwood, Managing Director of the *Toronto World* newspaper, in reference to the reports in that paper of legal proceedings at Osgoode Hall, was read and referred to the Finance Committee to reply thereto.

The letter of Mr. Boomer of 17th May inst. was referred to the Reporting Committee.

The letter of Mr. J. F. Smith, of 29th April, stating his withdrawal of his application for re-appointment as Editor, was referred to the Reporting Committee.

Convocation then rose.

FRIDAY, May 21st.

PRESENT: The Treasurer and Messrs. Bruce, Harcourt, Lash, McIntyre, McKay, McPherson, Northrup, Ritchie, Smith, Strathy and Watson.

Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar and do receive their certificates of fitness as solicitors: Messrs. F. L. Bastedo (with honours), J. F. Lash (with honours), and F. W. Wegenast (with honours), J. S. McKessock, J. C. A. Séguin, G. R. Roach, B. D. Hall and C. E. H. Freeman. That Mr. H. E. McKitrick (who passed in Easter, 1908) be called to the Bar. That Mr. A. W. Brown, a solicitor of over ten years' standing, be called to the Bar. That the petition of Mr. H. W. A. Foster, requesting that his admission as student at law be ante-dated, be refused. That the application of Mr. W. K. Murphy for leave to attend the lectures of the Law School in advance of the prescribed time be refused.

Ordered, upon a report of the County Libraries Committee, that Mr. Duncan Donald be appointed Inspector of the County Libraries for the ensuing year.

Moved by Mr. Watson, seconded by Mr. Strathy, and resolved that the thanks of Convocation be tendered to Mr. I. B. Lucas, M.P.P., for his kind attention and services in presenting to the Legislature the proposed Special Act amending certain provisions of the Law Society Act. Convocation ordered that a copy of the above resolution be transmitted to Mr. Lucas.

Mr. Watson, from the Finance Committee, reported upon the question of the supply of Statutes to members of the profession who have subscribed for same through the Law Society. Ordered that the report be considered on the first day of Trinity Term, 1909, and that a synopsis of the Report be in the meantime transmitted to every member of Convocation.

Mr. Watson gave notice that at the next meeting of Convocation a motion will be made for a regulation as to the appointment and remuneration of such scrutineers as may be found to be necessary in attendance at examinations conducted by the Law Society.

The following gentlemen were introduced and called to the Bar: Frank Lindsay Bastedo (with honours), John Francis Lash (with honours), Franklin Wellington Wegenast (with honours), Harold Ernest McKitrick, James Somerville McKessock, Joseph Charles Avila Séguin, Guy Raymond Roach, Basil Douglas Hall, Charles Edgar Hunter Freeman, Alexander William Brown.

Mr. McKay, from the Discipline Committee, presented the following report:—

*(Copy of Report of Discipline Committee.)*

In the matter of the complaint of John Lorn McDougall, the younger, and James McNairn Hall, against Alfred Hall, of the Town of Cobalt, barrister and solicitor, and a member of the Law Society of Upper Canada.

The Discipline Committee begs to report as follows:—

Convocation having been of opinion, after hearing the former report of the Committee, that a *primâ facie* case had been shewn of professional misconduct or of conduct unbecoming a barrister or solicitor on the part of the said Mr. Alfred Hall, within the meaning of section 44 of the Act respecting the Law Society of Upper Canada, on the fourth day of February, 1909, duly referred the matter of the above complaint to this Committee for investigation.

The Committee thereupon sent a copy of the complaint to the said Mr. Alfred Hall, the party complained of, and duly notified him and the complainants of the time and place appointed for the investigation.

At the time and place fixed, to wit: the fifth day of March, 1909, at Osgoode Hall, the said Mr. Alfred Hall appeared with his counsel, Mr. A. S. Ball, K.C., and the complainants also appeared with their counsel, Mr. R. K. McKay, and the investigation was proceeded with.

After the investigation had proceeded for some time, and after some evidence had been given and some exhibits filed, Mr. Ball asked the Committee for time to confer with his client and consider the course proper to be taken by him.

Subsequently, in the presence of Mr. Alfred Hall, his counsel produced and placed before the Committee a document signed by his client in the words following:—

“I do hereby admit that I have been guilty of professional misconduct as a barrister and solicitor in my practice, and do hereby request the Discipline Committee not to proceed further with this investigation, and that they may report this admission to Convocation without taking further evidence.”

This Committee thereupon discontinued the investigation, received the admission and agreed to report to Convocation accordingly.

The complaint, with the papers accompanying the same, the evidence taken and the exhibits filed, together with the document so signed by Mr. Alfred Hall and placed before the Committee, accompany this report.

All of which is respectfully submitted.

(Sgd.) GEO. F. SHEPLEY,  
*For the Committee.*

21st May, 1909.

A telegram from Mr. Hall to the Secretary was read as follows:—

“Woodstock, May 20th. Request Benchers kindly allow me recall consent dated March fifth. Alfred Hall.”

Convocation adopted the report of the Discipline Committee, whereupon it was ordered that a copy of the report be served upon Mr. Alfred Hall, and that he be also informed by notice in writing served upon him that Convocation will take action on his case at twelve o'clock noon on Friday, the eleventh day of June, 1909, at which time he will be at liberty to attend and be heard

by himself or by his counsel to shew cause why action should not be taken upon the report; and that the counsel for the complainants be also notified of the hearing on the day and at the hour fixed and that he may then attend. Ordered, that a call of the Bench be made for the day and hour above named to deal with the matter.

The Report of the Principal of the Law School for the Session of 1908-1909 was read as follows:—

Osgoode Hall.

THE LAW SCHOOL,

May 4th, 1909.

JAMES BICKNELL ESQ., K.C.,

*Chairman, Legal Education Committee:*

*Dear Sir,*—I beg to report as follows in regard to the session of the Law School for the years 1908-1909.

1. Number of students registered:—

First Year .....	77
Second Year .....	33
Third Year .....	50

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160

Two of the first year students withdrew during the term.

One special student attended some of the lectures in the third year.

2. I have set out in Schedule "A" hereto the names of the students who have duly attended the lectures during the past term, and in Schedule "B" the names of those who have been prevented from duly attending owing to illness or other good cause.

3. The number of lectures delivered during the session was as follows:—

The Principal .....	221
Mr. Armour, K.C. ....	95
Mr. Marsh, K.C. ....	103
Mr. King, K.C. ....	84
Mr. Young, K.C. ....	98

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601



Jan. 15th.—The Municipal Act.—The Hon. Sir Charles Moss,  
LL.D., Chief Justice of Ontario.

“ 22nd.—Practical Suggestions for Solicitors.—  
Hamilton Cassels, Esq., K.C.

“ 29th.—Municipal Elections.—C. R. W. Biggar, Esq., K.C.

Feb. 5th.—The Banking System of Canada.—  
Z. A. Lash, Esq., K.C.

“ 12th.—The Municipal Act.—The Hon. Sir W. R. Meredith,  
LL.D., Chief Justice of the Common Pleas.

“ 19th.—The Municipal Act.—The Hon. Sir W. R. Meredith,  
LL.D., Chief Justice of the Common Pleas.

“ 26th.—The Municipal Act.—The Hon. Sir W. R. Meredith,  
LL.D., Chief Justice of the Common Pleas.

Mar. 5th.—Legal Ethics.—The Hon. Mr. Justice Riddell, Court  
of King's Bench.

Attendance at these Lectures was obligatory.

Convocation then rose.

FRIDAY, June 11th, 1909.

PRESENT: The Treasurer and Messrs. Bayly, Bruce, Clarke, Guthrie, Harcourt, Masten, McIntyre, McMaster, McPherson, Nesbitt (John W.), Nesbitt (Wallace), Northrup, Ritchie, Shepley, Strathy, Watson and Wilson.

Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar and do receive their certificates of fitness: Messrs. J. J. Gray (with honours and Gold Medal), G. A. Davidson, W. E. Brown, J. P. Crawford, R. R. Perry, A. M. Harley, J. A. Clark. That Mr. A. T. Davidson be called to the Bar with honours and that Mr. A. A. Ingram be called to the Bar. That these two gentlemen last named do receive their certificates of fitness upon expiration of their periods of service (after Term). That the following gentlemen be allowed their Second Year Examination: S. W. Field, R. W. Hart, J. I. Grover, C. J. Ford, T. H. Stinson, W. D. M. Shorey (all with honours); J. C. Stewart, J. W. Heffernan, L. P. Sherwood, T. A. Flynn, O. H. King, C. F. Ritchie, J. C. Macdonald,

N. R. Robertson, J. A. Dyke, T. H. Peine, W. G. Anderson, A. C. T. Lewis, A. J. McKinley, J. O. Begg, F. Reilly, G. S. McMahon, W. M. Rose, R. Dingwall, R. E. Alexander, T. W. Lawson and F. J. Ap'John.

That the following gentlemen be allowed their First Year Examination: J. Singer, G. A. Urquhart and T. G. McHugh (these two equal), W. G. Bartlett, H. G. McKenna, P. Kerwin, G. Cooper, W. B. Waters, G. J. Goetz, and R. P. Stockton (all with honours); E. K. Williams, N. W. Lyle, G. T. Davidson, J. A. McNevin, F. W. Wilson, E. Coatsworth, J. Macdonnell and A. M. McLean (last two equal), W. W. Ferguson, G. A. Grover, G. N. Shaver, A. Cohen, C. A. Thomson, F. J. Hughes, W. J. M. Cass, W. L. Carr, E. S. Williams, J. E. Madden, R. J. Driver, J. Gilchrist, A. C. McNaughton, W. W. Davidson and A. V. Wood (last two equal), J. Parker and J. M. Duff (last two equal), H. H. Davis, R. P. Saunders, W. Morrison, T. Moss, A. H. Gibson, J. Atchison and W. H. Bourdon (last two equal), H. A. Newman, T. A. Silverthorn, I. A. Humphries, G. G. Paulin, J. R. F. Stewart, W. J. McLarty, R. P. McBride, N. E. Towers, D. A. Cameron, A. Singer, G. W. Ballard, F. B. Edmonds, J. M. Adam, T. R. Sloan, A. M. Boyd, F. G. Mackenzie, J. J. Hubbard, J. P. Ebbs, H. Ostlund, C. S. Buck, E. C. Ironside and H. E. Snider.

It was moved by Mr. Wilson: That pursuant to Rule 176 the examination of Mr. J. C. Stewart for Honours be allowed in respect of this Examination (April, 1909), and that Honours be awarded him as the examination was passed in the proper year of actual service as allowed by the Society and Mr. Stewart not claiming the Scholarship which is awarded to the gentleman standing next in order after Mr. Stewart, and that the report be amended accordingly. Lost on a division. The report was adopted and ordered accordingly as above set out.

Convocation is of the opinion that the Examiners are very tardy in the making of the returns of examinations; that the delays have been the cause of much inconvenience to Convocation and are the subject of serious complaints. It was ordered that the Secretary do communicate the foregoing to the Examiners.

Convocation then proceeded to consider the order of Convocation of 21st May in the matter of Alfred Hall, barrister and

solicitor, the members of Convocation present in Convocation being the Treasurer and Messrs. McIntyre, Ritchie, Watson, McMaster, McPherson, Wilson, Shepley, Northrup, Clarke, Nesbitt (Wallace), Bruce, Strathy and Bayly.

The Secretary reported that he had on the 26th day of May, 1909, sent by registered letter addressed to Mr. Alfred Hall a copy of the report of the Discipline Committee presented on 21st May with a notice that Convocation would take action thereon to-day at twelve o'clock, when he would be at liberty to attend and be heard by himself or by counsel to shew cause why action should not be taken in the premises. That on the 26th May he also sent to the Sheriff of Nipissing at North Bay copies of said report and notice for service on said Alfred Hall. That the Sheriff by letter of 31st May reported that he had attended Mr. Hall's residence at Haileybury and was unable to obtain admission, and that the Secretary replied 3rd June that the requirement of the Society was that Mr. Hall should be served, since which date no further advice had been received.

Moved by Mr. Shepley and carried and ordered: That the resolution of the 21st May, 1909, with regard to service of a copy of the report and notice upon Mr. Hall be amended as follows: 1. That twelve o'clock noon of the first day of meeting during Trinity Term, namely, Thursday, the 16th September, 1909, be fixed for taking action upon the said report. 2. That copies of the said report be sent by registered letter addressed to Mr. Alfred Hall at Cobalt and also at Haileybury, together with a notice in writing in each case that Convocation will take action in his case at the date above fixed when he will be at liberty to attend and be heard by himself or his counsel to shew cause why such action should not be taken. 3. That copies of the said report and notice be sent by registered letter addressed to Mr. Ball, the counsel who appeared for Mr. Hall before the Committee, at Woodstock. 4. That the complainants be notified by registered letter addressed to them at Haileybury of the hearing at the date fixed and that they may then attend and be heard. 5. That a special call of the Bench be made for the day and at the hour named for dealing with the matter.

Mr. Watson from the Finance Committee presented the following report:—

The Finance Committee beg leave to report in reference to the letter of Lieutenant-Colonel Septimus Denison, Chief Staff Officer, Western Ontario, to the Secretary, dated 3rd May, 1909, read to Convocation on 20th idem. and referred to your Committee for report.

The letter is set forth in the Minutes of 20th May, whereby Colonel Denison, on behalf of the General Officer Commanding, Western Ontario, requests the Law Society to execute the agreement which by the Statute of Ontario of 1896, chapter 8, the Law Society, on terms to be agreed, is empowered to assent to the closing of Osgoode Street.

A draft agreement as in the Schedule to the Statute has not been executed by the Law Society nor the City of Toronto, nor, it is understood, by any of the parties named therein.

The circumstances relating to the consideration by the Law Society whereby the subject was entertained are as follows:—

It was represented to Convocation that the terms on which Osgoode Street may be closed were:—

1. That access over the street for all purposes connected with the Law Society and Osgoode Hall be preserved.
2. That the right be reserved to the Law Society to require the street to be opened at any time.
3. That equitable provisions be made for the limited use by students of the Law School of the grounds enclosed for recreation purposes, subject always to the requirements of the Militia.
4. That any agreement made be confirmed by the Legislature.

On 7th May, 1896, and after the Statute was passed, Lt.-Col. Otter, Deputy Adjutant General, M.D. No. 2, forwarded to the Law Society under cover to Mr. Lash, Q.C., an agreement in pursuance of the Schedule of Ontario Statute, 1896, chapter 8, 59 Victoria, requesting Mr. Lash to obtain its execution by the proper authorities of the Law Society and return the same to him.

On 13th June Colonel Otter asked to have the agreement executed, and on the 15th June Colonel Otter was informed

that the Law Society awaited the action in the premises by the City of Toronto and the Minister of Militia.

On the 16th of June Colonel Otter intimated that he did not think it necessary to submit the agreement to the Militia Department before its execution by the City and Law Society.

On 20th June, 1896, the Secretary of the Law Society wrote Colonel Otter that he was directed to state in reply to his favour of 16th instant that the Law Society will await the execution of the agreement relating to the closing of Osgoode Street by the City of Toronto and by the Minister of Militia.

On 29th June, 1896, Colonel Otter wrote the Secretary asking to have the agreement returned and inquiring why the Law Society defers execution until after that by the City and the Minister of Militia.

On 4th July the Secretary returned the agreement to Colonel Otter, adding that there had not been any meeting of the Finance Committee since the Colonel's May letter was received and that he was without instructions. Mr. Secretary added that he "understood that it was thought proper that the Minister of Militia and the parties interested who have made the request of the Law Society and are the parties directly benefited should first signify their acceptance of the terms of the agreement by executing the same before submitting it to the Law Society for execution.

The Finance Committee reported the foregoing to Convocation on 13th November, 1896, and adding that since 29th June, 1896, no further communication had been received from the parties interested.

At Colonel Otter's instance, and after personal interviews by him with the Treasurer, letters were written to Mr. Cartwright, the Deputy Attorney-General, and the Minister of Public Works, as follows:—

TORONTO, 3rd March, 1897.

JOHN R. CARTWRIGHT, Q.C.,

*Depy. Atty.-Genl., etc., Toronto.*

*My Dear Sir,*—On the subject of closing Osgoode Street: I enclose a letter which I have written to the Hon. Wm. Harty in

this matter, which I have done in consequence of a visit from Colonel Otter yesterday.

Colonel Otter seemed to be in doubt how best to ascertain what the Government of Ontario would do and what the Law Society would do in respect of the agreement in the Act.

And after some discussion it seemed to appear that a letter from me to the Commissioner of Public Works might bring about an early determination upon the acceptability or rejection of the agreement, and Colonel Otter wished me to write as I have done.

If the Attorney-General is still representing Mr. Harty this letter may be considered to be in order, but if Mr. Harty is in town, you probably will be good enough to forward my letter with or without remarks as may be deemed proper.

I remain,

My dear Sir,

Most truly yours,

(Sgd.) ÆMILIUS IRVING.

OSGOODE HALL, TORONTO, 3rd March, 1897.

THE HON. WILLIAM HARTY,

*Commissioner of Public Works, Toronto.*

*Sir*,—I beg leave to write that Colonel Otter called on me yesterday, as Treasurer of the Law Society, to ascertain whether any objections existed upon the part of the Benchers to the proposed agreement to close Osgoode Street—see Ontario Statutes, 1896, page 21, 59 Victoria, chapter 8—and the discussion I had with him led to the consideration which you would require, or had determined upon, before the approval of your Government could be obtained.

The points, in so far as the Law Society desire to have cleared, and until settled, will not, I presume, assent to the agreement, are two, namely:—

1. The mode of access and roadway along Osgoode Street from Chestnut Street to University Street, and (2) upon the space south of the Drill Hall including Osgoode Street (when not required for the purpose of drilling troops or other purposes

connected with the Drill Hall) the nature of the use, which members of the Law Society and law students, for recreation purposes, the Militia Department deems can be had over the above mentioned space.

With reference to the mode of access and roadway, which Mr. Heakes two or three weeks ago informed me, he would recommend, I considered to be quite satisfactory to the Law Society and so reported.

Mr. Heakes advised an asphalt construction, for foot passengers and drive way, of 25 feet width on the whole along the north wall of Law Society's property on Osgoode Street should be put down.

With reference to the nature of the use of the grounds for recreation purposes, it is found on inquiry that it is intended to gravel the grounds, or lay down some hard substance, and that it is out of the question to discuss sodding or having in grass the space south of the Drill Hall and including Osgoode Street, which is the condition Benchers are pressed by the junior members of the profession to require.

At present it is whether gravel or sod?

If not sod, then it cannot be used for recreation purposes, and the chief reason, it is urged, whereby the concession to close Osgoode Street was made, is not allowed to be carried out.

With reference to the roadway, Colonel Otter could not concede an asphalt construction, but was prepared to approve of a sufficient roadway to be constructed, and if it is convenient for Mr. Heakes to call on Colonel Otter on Friday or Saturday (5th or 6th) he will shew Mr. Heakes the class of roadway which the Militia Department deem sufficient.

Perhaps you will be pleased to direct Mr. Heakes to see Colonel Otter upon the subject of the roadway.

Up to the present time, I may conclude this letter by saying that I am not warranted in believing that the agreement will be executed by the Law Society unless the grounds are, and are to be kept, sodded, and a sufficient pathway and driveway constructed, the construction of which need not be passed upon until we hear whether Mr. Heakes is satisfied with any changes

from his first conclusions, which on explanations he may have reason to make.

I have the honour to remain, Sir,

Your most obedient servant,

(Sgd.) ÆMILIUS IRVING.

The Minister of Public Works took no action on this letter. The further and last correspondence is as follows:—

STANLEY BARRACKS, TORONTO, 18th March, 1897.

*Dear Sir*,—Again referring to the closing of Osgoode Street for military purposes, I beg to acknowledge the receipt of your letter of the 10th instant, in which you seem to think that the Benchers of the Law Society will not consent to the execution of the agreement unless the whole ground in front of the Drill Hall is sodded in place of being gravelled.

As, however, I take the above quoted letter to be a private one, may I ask you to kindly convey to me in *official* form the objections of the Law Society to executing the agreement, in order that I may forward the same to the Hon. The Minister of Militia when reporting upon the case, which I must do in a few days.

It is most necessary, as you can easily understand, to have this matter, which has been dragging on for months, settled without delay, and I shall be most thankful for your kind assistance towards the end.

Yours very truly,

W. D. OTTER,

*Lt.-Col. Comng. M.D. No. 2.*

Æmilius Irving, Esq., Q.C.,

Treas. Law Society,

Toronto.

OSGOODE HALL, TORONTO, 19th March, 1897.

LIEUTENANT-COLONEL OTTER,

Etc., etc.,

Stanley Barracks, Toronto.

*Dear Sir*,—I have to acknowledge your letter of yesterday's date upon the subject of closing Osgoode Street.

The indenture which the Statute empowers the parties to carry out according to its intent and meaning is subject to the settlement of certain conditions, in respect of which no step has been taken to arrange with the Law Society, except such as may be inferred from your call upon me, on the 2nd instant.

The settlement of the conditions, therefore, seems to be yet in negotiation.

The chief points for consideration are:—

1. Proper gates, roadways and footpaths.

2. Joint regulations, whereby the space south of the Drill Hall, including Osgoode Street, may be used for recreation purposes (limited as in the Statute mentioned) by members of the Law Society and law students.

The first point need not be discussed until the specifications of the works to be executed, for incorporation in the agreement are submitted for consideration.

On the second point I am told it is a necessity that the ground should be sodded, and so kept, if it is to be used at any time for recreation purposes, but if, as I understand from you, the military authorities deem it to be indispensable, that the ground should be gravelled or covered with some unyielding substance, there is at present a divergence, not easily reconcilable.

The objection then to executing the agreement is that no agreement has been reached on material points, and it is obvious that when reached they must be embraced therein.

The entertainment by Convocation of the proposal to close Osgoode Street was in the expectation that the use for recreation purposes had the hearty support of the military authorities.

The avowal of the inadaptability of the grounds for recreation purposes seems to lead to the conclusion that the inducements offered to close the street were less substantial than the Benchers supposed them to be.

I remain,

Dear Sir,

Yours very truly,

ÆMILIUS IRVING.

NOTE:—Nothing has transpired in reply.

Your Committee is of opinion that it is not in the interests of the Law Society to entertain the application, and recommend that no action be taken in the premises.

GEORGE H. WATSON,  
*Chairman.*

The report was adopted and the Secretary was ordered to write to Colonel Septimus Denison informing him of the conclusion of Convocation.

Mr. McMaster from the Reporting Committee reported as follows:—

The Reporting Committee have considered the advisability of making temporary arrangements for supervision of the Reports until such time as the proposed new system can be put into effect and recommend that they be authorized to make arrangements with Mr. Brown to supervise the Reports (without any actual appointment as editor), and that they be granted authority to make an allowance to Mr. Brown for his services in that connection. The report was adopted.

Mr. Watson's motion in respect to appointment of scrutineers was ordered to stand until the first day of next Term.

The leave accorded Mr. Bicknell to introduce a rule with respect to the admission of solicitors from other provinces was, in his absence, extended until the first day of next Term.

The following gentlemen were then introduced and called to the Bar: Messrs. James Joseph Gray (with honours and Gold Medal), Alexander Topp Davidson (with honours), George Anderson Davidson, Andrew Allan Ingram, William Eberts Brown, James Philip Crawford, Reginald Radcliffe Perry, Archibald Manson Harley, John Arthur Clark.

Ordered, that the application of Mr. Joseph William Macdougall, a member of the Bar of the Province of Nova Scotia, for call to the Bar under the Rules in special cases, be referred to a Special Committee, consisting of Messrs. Strathy, Ritchie and Bayly for action, examination and report.

The Special Committee reported that they had examined the papers and proofs submitted by Mr. Macdougall and found same correct and regular, and that he passed a satisfactory examination. Ordered, that Mr. Macdougall be called to the Bar, and he was then introduced and called to the Bar.

Convocation then rose.





## LAW SOCIETY OF UPPER CANADA.

THURSDAY, 16th September. 1909

PRESENT: The Treasurer and Messrs. Bayly, Bicknell, Bruce, Chrysler, Gibbons, Glenn, Harcourt, Lash, Masten, McIntyre, McKay, McMaster, McPherson, Nesbitt (Wallace), Ritchie, Shepley, Smith, Strathy and Watson.

The following letter from Colonel W. C. Macdonald, commanding the 16th Toronto Infantry Brigade, was read:—

TORONTO, September 14th, 1909.

*Re Closing of Osgoode Street as a Public Street.*

SIR,—I have before me a copy of your letter of the 12th of June to Lieutenant-Colonel Septimus Denison, stating in reply to his of May 3rd, that the Benchers in Convocation could not see their way clear, in the interests of the Law Society, to entertain the application of the Department of Militia for the closing of Osgoode Street as a public street.

I take the liberty, in the interests of the Toronto Infantry Brigade, of which I am the Commanding Officer, and of other local corps of addressing you again upon this subject.

We much regret the decision of the Benchers, but I am free to say that I do not think the case was as fully stated in Colonel Denison's letter of May 3rd, as was necessary in order to bring our desires properly before the Law Society, and I would respectfully request that the Benchers may be pleased to reopen this matter for consideration, and that we—one or two—may be permitted, if the rules of the Law Society will admit of it, to appear before the Benchers in Convocation and state fully our case, which can thus be done more effectively than by letter.

I feel assured that upon reconsideration, as suggested the Benchers will not be unwilling to accede to our request, as we are not asking for anything that will, I think, be found to pre-

judice in any way the interests of the Law Society or cause inconvenience to any of its members.

I have the honour to be, Sir,

Your obedient servant,

W. C. MACDONALD,

*Colonel Comndg. 16th Toronto Infy. Bdge.*

Herbert MacBeth, Esq.,

Sec. Law Society of Upper Canada,

Osgoode Hall, Toronto.

It was moved by Mr. Strathy and ordered that Colonel Macdonald be heard by Convocation upon his application to reopen the question as to the closing of Osgoode Street, and that he be informed by letter that Convocation will hear him on Friday, 24th September.

The letter of Mr. E. B. Brown, 15th Sept., 1909, was referred to the Reporting Committee.

The letter of Mr. Herbert Macbeth, 15th September, 1909, was referred to a Special Committee composed of the Chairmen of all the Standing Committees for consideration and report, Mr. Bruce to be Convener.

The report of the Finance Committee of 21st of May, relating to the supply of statutes was taken into consideration.

Mr. Gibbons moved that the statutes be supplied at \$3.00 to such members as subscribe in Michaelmas Term at a fixed date as previously.

Mr. Strathy moved in amendment that the annual subscription be as heretofore, notwithstanding the additional cost. Mr. Shepley moved that the practice of supplying statutes be discontinued. Lost on a division.

Mr. Strathy's amendment was lost on a division.

The motion of Mr. Gibbons was carried, and Convocation ordered that it be referred to the Finance Committee to make the necessary arrangements to be limited to a period of three years.

In respect to the complaint of John Lorn McDougall, the younger, and James McNairn Hall against Alfred Hall, of the Town of Cobalt, barrister and solicitor and a member of the Law

Society of Upper Canada, the report of the Discipline Committee, which had been adopted on the 21st May, 1909, was read as follows:—

The Discipline Committee begs to report as follows: Convocation having been of opinion, after hearing the former report of the Committee, that a *primâ facie* case had been shewn of professional misconduct or of conduct unbecoming a barrister or solicitor on the part of the said Alfred Hall, within the meaning of section 44 of the Act respecting the Law Society of Upper Canada, on the fourth day of February, 1909, duly referred the matter of the above complaint to this Committee for investigation.

The Committee thereupon sent a copy of the complaint to the said Mr. Alfred Hall, the party complained of, and duly notified him and the complainants of the time and place appointed for the investigation.

At the time and place fixed, to wit: the fifth day of March, 1909, at Osgoode Hall, the said Mr. Alfred Hall appeared with his counsel, Mr. A. S. Ball, K.C., and the complainants also appeared with their counsel, Mr. R. G. McKay, and the investigation was proceeded with.

After the investigation had proceeded for some time, and after some evidence had been given and some exhibits filed, Mr. Ball asked the Committee for time to confer with his client and consider the course proper to be taken by him.

Subsequently, in the presence of Mr. Alfred Hall, his counsel produced and placed before the Committee a document signed by his client in the words following:—

“I do hereby admit that I have been guilty of professional misconduct as a barrister and solicitor in my practice, and do hereby request the Discipline Committee not to proceed further with this investigation, and that they may report this admission to Convocation without taking further evidence.”

The Committee thereupon discontinued the investigation, received the admission and agreed to report to Convocation accordingly.

The complaint with the papers accompanying the same, the evidence taken and the exhibits filed, together with the document

so signed by Mr. Alfred Hall and placed before the Committee, accompany this report.

All of which is respectfully submitted.

(Sgd.) GEO. F. SHEPLEY,

*For the Committee.*

Presented to Convocation,

21st May, 1909.

Mr. Alfred Hall was called in (eighteen Benchers being present) and there were also present in attendance Mr. James McNairn Hall, of Haileybury, one of the complainants, in accordance with the notice served on him, and Mr. Robert McKay, his counsel, Mr. Alfred Hall was informed that Convocation was about to take action upon the report and that he was at liberty to be heard by himself or by his counsel to shew cause why such action should not be taken.

Mr. Alfred Hall addressed Convocation. He desired to withdraw the admission signed by him.

Mr. Robert McKay, counsel for the complainants, replied. The gentlemen withdrew.

Mr. Shepley moved (eighteen Benchers being present), and it was resolved: That Mr. Alfred Hall be disbarred, and that he is unworthy to practice as a solicitor; and that the action of Convocation be communicated in due course to the High Court. The resolution was adopted unanimously.

Ordered, upon a report of the Legal Education Committee that a call of the Bench be made for Friday, 24th September, to elect a Lecturer in the place of the late A. H. Marsh, K.C.

Convocation appointed Mr. Shepley, Mr. Bicknell and Mr. McPherson Examiners under the regulations respecting the Christopher Robinson Memorial Prize.

Mr. Watson, on behalf of the Special Committee on the Reporting System, reported that in pursuance of the directions and powers given by Convocation a contract had been made with Mr. Edward B. Brown for a limited period of three years as Editor of the Ontario Law Reports and the Ontario Weekly Notes. The original contract duly executed and dated the 12th day of July, 1909, is submitted herewith. And in pursuance of the same

directions and powers a contract has been made with the Carswell Company, Limited, for the printing and distribution of the Ontario Weekly Notes for a period commencing 1st September, 1909, and ending 1st December, 1910. The original contract duly executed and dated the 12th day of July, 1909, is submitted herewith. The report was adopted.

Convocation then rose.

FRIDAY, 17th September.

PRESENT: The Treasurer and Messrs. Harcourt, McIntyre, McPherson, Ritchie, Shepley, Strathy and Wilson.

Ordered, upon a report of the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificates of fitness: Messrs. Arthur Henry Dowler (with Honours and silver medal), Harold William Alexander Foster (with Honours and bronze medal), Robert Wherry, Herbert Spencer Wood, Alexander Cameron Grant, Francis Hugh Keefer, Thomas Field Hall and William Stuart Edwards. That the notices for call given by Messrs. Frederick Henry Greenlees and Frederick Hunter Lytle, which are a week late, do stand for Friday, 24th instant. That Mr. Henry Wilberforce Maw, a solicitor of over ten years' standing, be called to the Bar. That Mr. Samuel Max Mehr, who has obtained his degree of B.A. at McMaster University be transferred from the matriculant class of students-at-law to the graduate class as of Easter Term.

The following gentlemen were then introduced and called to the Bar: Messrs. Arthur Harold Dowler (with Honours and silver medal), Harold William Alexander Foster (with Honours and bronze medal), Robert Wherry, Herbert Spencer Wood, Francis Hugh Keefer, Thomas Field Hall, William Stuart Edwards, Henry Wilberforce Maw.

Convocation then rose.

FRIDAY, 24th September.

PRESENT: The Treasurer and Messrs. Bicknell, Bruce, Clarke, Gibbons, Harcourt, Lynch-Staunton, Masten, McPherson, Nesbitt (J. W.), Nesbitt (Wallace), Northrup, Ritchie, Shepley, Strathy and Watson.

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Convocation in pursuance of call of the Bench for to-day proceeded to the appointment of a Lecturer for the Law School in the place of the late A. H. Marsh, K.C. Mr. John Delatre Falconbridge was unanimously elected.

Colonel W. C. Macdonald attended and addressed Convocation upon the subject of closing Osgoode Street. Major-General Cotton also addressed Convocation, and the gentlemen then withdrew.

It was moved by Mr. Watson, seconded by Mr. J. W. Nesbitt, and carried, that the question be referred for investigation and report to a Special Committee to be composed of the Treasurer, the Chairman of the various Standing Committees and Messrs. J. W. Nesbitt and Lynch-Staunton, and that Mr. J. W. Nesbitt be the Convener of the Committee.

Ordered upon a report of the Legal Education Committee that the Christopher Robinson Memorial Prize, for the year 1909, be awarded to Mr. Franklin Wellington Wegenast, a member of the graduating class of 1909, he being eligible as Prizeman by reason of his having taken honours in his second and third years at the Law School, to wit, 1908 and 1909, the prize to be one hundred dollars, of which forty dollars is to be in books as provided by the terms of the Trust Deed.

Ordered that the subject of the essay for the Christopher Robinson Memorial Prize for 1910 be as follows:—

“Having reference to the introduction and application of English law to Ontario, to review, discuss and explain those points wherein Ontario has adopted a rule of decision differing from that applicable in England.”

Ordered, upon a report of the Legal Education Committee, that the following gentleman be called to the Bar: Messrs. John Douglas Bissett, Roderick John Byrnes, Christopher Arthur Irvine, Frederick Henry Greenlees, William Symon Morlock, Frederick Hunter Lytle, Robert John Gunn Dow, Charles Garnet Locke, Basil William Essery, John Munro Forbes. Ordered also that they do also receive their certificates of fitness, with the exception of Messrs. Morlock and Essery, who are to receive theirs after Term upon proof of due completion of their

service under articles. That Mr. Duncan Donald McLeod be admitted as a student at law of the matriculant class, notwithstanding the lapse of time since his matriculation.

Mr. Lynch-Staunton gave notice that he would at the next meeting of Convocation move that Convocation hereafter meet at two P.M. instead of eleven A.M. as is the present practice, the object of the motion being to secure the more frequent attendance of out-of-town members at the meetings of the various committees.

The Special Committee appointed on the 16th instant to consider the application of the Secretary, Mr. Herbert Macbeth, reported as follows:—

*To the Treasurer and Benchers in Convocation—*

The Committee appointed to consider the letters of Mr. Herbert Macbeth, secretary and sub-treasurer, of 14th May and 15th September, 1909, in reference to relieving him from that portion of his duties connected with the work ordinarily done under the supervision of the Finance Committee, beg to report:—

It appearing from the letter of 15th September that Mr. Macbeth, unless so relieved, preferred that his services should be dispensed with entirely, and this being confirmed by personal interview with the Chairman, the Committee being of the opinion that the duties of the office now held by Mr. Macbeth should be discharged by one person, report accordingly, and recommend that in case Mr. Macbeth resign his office, to take effect at such early date as may be convenient to him and the Society, a gratuity of \$1,000 be paid to him. That the carrying out of the foregoing report and all matters arising thereout be referred to the Finance Committee. The report was adopted.

Mr. Shepley on behalf of the Library Committee reported.

The Library Committee begs to submit to Convocation the accompanying letter from Mr. H. H. Strathy, K.C., offering to present to the Library a copy of Dr. John Bassett Moore's "Digest of International Law," in eight volumes, and recommends the acceptance thereof.

The Library Committee begs to make also the following recommendation to Convocation in connection with the recent

almost entire destruction of the Legislative Library by fire. The Society possesses a reserve stock of Statutes of Upper Canada, Canada and Ontario, which have not been stamped with the Society's seal nor taken into the Library, but are kept in the store-room for the purpose of replacing lost volumes as occasion may arise. The Committee recommends that the Government of the Province be offered the privilege of making a selection from this stock of such volumes as it might find useful in the restoration of its library.

GEO. F. SHEPLEY,  
*Chairman.*

The report was adopted, and the Librarian was directed to write a letter of thanks to Mr. Strathy.

Mr. Watson's notice of motion with regard to the appointment and remuneration of scrutineers in attendance on examinations conducted by the Law Society was ordered to stand until next term.

In the matter of Mr. Alfred Hall, the following report from the Secretary was read and ordered to be fyled, together with the order of the Court therein set out:—

*To the Benchers of the Law Society of  
Upper Canada in Convocation.*

The Secretary has the honour to report:—

(1) That in pursuance of the resolution of Convocation of the 16th day of September, 1909, whereby Mr. Alfred Hall was disbarred and declared unworthy to practice as a solicitor, the undersigned did on the twenty-second day of September, 1909, deliver personally to the Registrar of the High Court of Justice a written notice under section 45 of the Revised Statutes of Ontario, chapter 172, that the said Mr. Alfred Hall had been disbarred, which notice contained a copy of the said resolution.

(2) That the undersigned did on the twenty-second day of September, 1909, communicate to the High Court of Justice the above resolution, to wit, that Mr. Alfred Hall had been declared unworthy to practice as a solicitor, by delivering personally to the Registrar of the High Court of Justice notice under section

46 of the Revised Statutes of Ontario, chapter 172, which notice contained a copy of the said resolution.

(3) That on the twenty-second day of September, 1909, the Registrar aforesaid did deliver to him the undersigned the order of the High Court of Justice, dated that day as follows:—

In the High Court of Justice.

Wednesday, the 22nd day of September, 1909.

In the matter of Mr. Alfred Hall, a solicitor of the Supreme Court of Judicature for Ontario.

(1) It having been resolved by the Convocation of the Law Society of Upper Canada that the above named Mr. Alfred Hall is unworthy to practice as a solicitor, as appears by a certified copy of the resolution of the said Convocation of the said Law Society of Upper Canada this day delivered to the Senior Registrar of this Court.

(2) It is therefore ordered, pursuant to the provisions of the statute in that behalf, that the said Mr. Alfred Hall be struck off the Roll of Solicitors of the Supreme Court of Judicature for Ontario.

(Sgd.) GEO. S. HOLMSTED,

*Registrar.*

Entered, 23/9/09.

O.B. No. 12, p. 315.

M.B.B.

(4) The undersigned doth further report that on the twenty-third day of September, 1909, the Honourable the Chancellor, sitting in Weekly Court, did order as appears from the entry in the proceedings of the Court as follows: "Re Alfred Hall, a solicitor. The Solicitor's Roll was brought into Court, and on the application of H. Macbeth, Secretary of the Law Society, the name of Alfred Hall was stricken therefrom by direction of the Chancellor."

(5) The undersigned doth further report that he has examined the said Solicitors' Roll and that the name "Alfred Hall" has been struck off the said Roll, whereon a memorandum is

appended as follows: "Struck off list by direction of the Chancellor pursuant to order 22/9/09."

All of which is respectfully submitted.

HERBERT MACBETH,

*Secretary, Law Society of Upper Canada.*

23rd September, 1909.

Mr. Bicknell, pursuant to leave given, introduced the following rule: That Rule 188 be amended by adding to sub-paragraph (3) thereof, "or if he is a solicitor from any province of the Dominion in which the same privilege is extended to solicitors from this province, that he has passed an examination conducted by one or more of the examiners of the Society upon the statutes in force in Ontario, and the practice of its Courts, who shall report thereon in writing." The rule was read a first and second time and ordered for a third reading next Term.

The report of the Discipline Committee was presented, shewing (1) that in the matter of the complaint of Messrs. W. P. Telford and W. F. Dunn, respecting the use by an unqualified person of the names of a firm of solicitors in the presentation of papers to the Surrogate Court, the complainants' attention has been drawn to the advisability of asking the learned Judge to enquire into the matter. (2) That in the matter of the complaint of the representatives of Donald McLeod, deceased, against Mr. A. B., the Assistant Provincial Secretary, through whom the complaint was forwarded, has been informed that the complaint involves a question of costs over which the Society has no jurisdiction, and that until this is disposed of the question of misconduct cannot be enquired into. (3) That in the matter of a letter sent by the Consolidated Collecting Company (Albany, N.Y.), the complainant has been informed that the Society has no jurisdiction. (4) That in the complaints of Mrs. H. Hunt, against Mr. C. D., Mr. A. B. Keve against Mr. E. F., and Mrs. M. E. Carswell against Mr. G. H., the complainants have each been informed that their complaints are provided for by remedies enforceable in the Courts. (5) That consideration of complaints forwarded

by Mr. Alfred Hall against certain solicitors had been deferred. The report was adopted.

The following gentlemen were then introduced and called to the Bar :—

Messrs. John Douglas Bissett, Roderick John Byrnes, Alexander Cameron Grant, Frederick Henry Greenlees, William Symon Morlock, Frederick Hunter Lytle, Robert John Gunn Dow, Charles Garnet Locke, Basil William Essery, John Munro Forbes.

Convocation then rose.



## LAW SOCIETY OF UPPER CANADA.

THURSDAY, November 18th, 1909.

PRESENT: The Treasurer and Messrs. Bayly, Bruce, Farewell, Guthrie, Harcourt, Lash, Lynch-Staunton, McIntyre, McKay, MacLennan, McMaster, Masten, Nesbitt (J. W.), and Ritchie.

The minutes of the meeting of Convocation, held on Friday, the 24th day of September, 1909, were read and approved.

The Acting Secretary reported that Mr. William Robert White, elected Bencher, had failed to attend the meetings of Convocation for three consecutive terms, namely, Hilary, Easter, and Trinity Terms, 1909. The report was referred to the Committee on Journals and Printing for report to Convocation, pursuant to Rule 18 (2).

Mr. Ritchie for Mr. Watson, from the Finance Committee, reported that on October 16th, 1909, Mr. Herbert Macbeth handed over the keys, books, papers, etc., of the office of Secretary to Mr. William George Eakins, who has been appointed by the Treasurer, Acting Secretary, pro. tem.

The report was received and adopted.

The Acting Secretary produced the applications received for the office of Secretary and sub-Treasurer.

Ordered, that these letters of application be referred to a Special Committee composed of the Chairman of the respective Standing Committees and the Treasurer, the latter to be Convener, and that the Special Committee do examine the applications and report upon the fitness of the applicants, and that the Committee give notice to the applicants that it will receive them on a certain day, should they desire to attend; and that the Committee do examine the Rule bearing upon the appointment of the Secretary, his emoluments and privileges, and that Convocation empowers the Committee in its discretion to name the day

for the appointment of the Secretary, notice of such day to be given in accordance with Rule 43.

The Acting Secretary read the following letter from Mr. E. D. Armour, K.C., D.C.L., Lecturer on Real Property:—

TORONTO, October 13, 1909.

SIR ÆMILIUS IRVING, K.C.,  
Treasurer, Law Society of Upper Canada,  
Osgoode Hall,  
Toronto, Ont.

My dear Sir Æmilius:—

I now beg to put in writing the subject of our conversation. After twenty-eight years of service as Examiner and Lecturer to the Law Society, I desire to retire from the position which I have occupied. In doing so, I wish to give the Law Society as long a notice as possible, so that in selecting a new Lecturer they may have plenty of time at their disposal, and so that, when a new Lecturer is appointed, he may have plenty of time to prepare for his duties.

I shall, of course, retain the position, if the Society desires it, long enough to enable the Benchers to adjust matters in the most convenient way for the School, but I should not like to continue after the expiration of the present academic year.

According to the scheme of lectures, I take the first year from the opening of the School until some time in November, when my lectures to the first year cease. I then take up the lectures to the second year, and continue with them until the end of January, or thereabouts, when their course is concluded. I then take up the third year, and the rest of my time is occupied with them. If the new Lecturer could see his way to begin during the academic year, the only convenient point at which he could begin his duties would be at the conclusion of the lectures to the second year, at which time I should be glad to give way to him.

I should be very glad indeed to assist the Benchers in any way, if they desire it, as to the selection of a new Lecturer, or as to hints as to his new duties, but as Mr. Hoyles has been much more in touch with the students than I have been and has a much better knowledge of those who have passed through the School

during his incumbency, I would suggest that he should be taken into consultation in the selection of a new Lecturer.

I need hardly say that after the long experience which I have had with the Bench, I am extremely grateful to them for the continued confidence which they have shewn me in re-appointing me so often to a responsible post.

I am, Sir,

Very sincerely yours,

E. DOUGLAS ARMOUR.

The following Minute was submitted by the Treasurer:—

Convocation cannot refrain from expressing regret at being informed of the intention of Mr. Armour to withdraw from the Lecturership which for twenty-eight years or longer has been so advantageously filled, whereby the Society has been served and the profession who have had the benefit of his instruction been enlightened.

In view, however of the suggestions made by Mr. Armour, Convocation refers his letter to the Standing Committee on Legal Education for consideration and report, and requests that the Committee do advise upon the best course to pursue to secure a competent successor to fill the Lecturership hitherto so satisfactorily served.

And, in view also, of the increasing attendance on the course of lectures established by the present curriculum, the Committee is requested to report whether any changes or re-arrangement of the premises, or expansion of the curriculum—bearing in mind the importance of knowledge of practice and procedure as well as of the science of law—should be adopted.

And that the Committee have power to make one or two interim reports.

Ordered accordingly.

Ordered upon the report of the Legal Education Committee that it be advertised in the "World" newspaper that on the 3rd day of December next the Benchers would appoint an Examiner to fill a vacancy in the office of Examiner, and that a call of the Bench be made for Friday, the 3rd day of December,

1909, for the purpose of appointing an Examiner for the Law School under Rule 39.

Ordered, that Mr. Watson's motion relating to the appointment and remuneration of Scrutineers for the Law School Examinations stand until to-morrow, Friday, November 19th.

Mr. Lynch-Staunton, pursuant to notice given on Friday, September 24th last, moved that Convocation hereafter meet at 12 noon instead of 11 a.m. as at present, and to that end had leave to introduce an amendment to the Rules as follows:—

That Rule 13 be amended by substituting the word "Twelve" in lieu of the word "Eleven" in the fourth line of said Rule, and that the words "in the forenoon" in the same line be struck out and the word "noon" be substituted therefor.

Upon a division, the Rule was read a first time.

Convocation then rose.

FRIDAY, November 19th, 1909.

PRESENT: The Treasurer and Messrs. Bruce, Clarke, McIntyre, McMaster, McPherson, Masten, Shepley, Watson, and Wilson.

The Minutes of the last meeting of Convocation, held on Thursday, the eighteenth day of November, 1909, were read and approved.

Ordered, upon the report of the Legal Education Committee that the following gentlemen be called to the Bar:— Charles Edward Bothwell and James McEwen (with honours); James Ernest Caldwell, Gordon Bruce Balfour, Lionel Davis, Mervil Macdonald, James William Carrick, and Allan Constantine Mackintosh.

That the above do receive their certificates of fitness as Solicitors, with the exception of Mr. A. C. Mackintosh.

Ordered, upon the report of the Legal Education Committee, and upon the report of a Special Committee appointed for the purpose of examining the applicant as to his qualifications for Call to the Bar, that Mr. William F. McPhie, a member of the Bar of Nova Scotia, be called to the Bar.

The following gentlemen were then introduced and called to the Bar:

Charles Edward Bothwell, James McEwen, Allan Constantine Mackintosh, Christopher Arthur Irvine, Lionel Davis, Mervil Macdonald, James William Carrick, Gordon Bruce Balfour, James Ernest Caldwell, William Frederick McPhie. Messrs. Bothwell and McEwen were called with honours.

Ordered, upon the report of Legal Education Committee, that the notice of Call given by Mr. S. B. Van Kleeck stand good for this term. That the petition of Mr. W. D. Herridge to be relieved from attendance at lectures before December 1st next (under the special circumstances therein set forth) be granted. That the petition of Mr. J. J. Hubbard to be allowed to register now and be granted his percentage of lectures for the term be granted.

Upon a report of the Reporting Committee, Convocation approved of the appointment, by the Editor of the Law Reports, of Mr. Goodwin Gibson and Mr. J. R. O'Connor to be reporters.

Mr. Shepley, for Mr. Bruce, Mr. Harcourt, and himself, being the Committee directed to forward the views of the Dominion Government in the matter of removing the Library established in London for the use of members of the profession visiting London from its present quarters in a room adjoining the offices of Messrs. Blake and Redden at 17 Victoria Street to a room in the building at Downing Street in which the Judicial Committee of the Privy Council sits, reported that they accompanied Mr. Newcombe, the Deputy Minister of Justice, to the proposed new quarters, and that the accommodation there to be made available appeared to them in every present respect satisfactory, and that they respectfully recommend that Convocation place itself on record as being in hearty sympathy with the proposed change.

The report from the Committee of Journals and Printing that Mr. White was present at the meeting of Convocation on Friday, the twelfth day of February, 1909, and therefore that his seat had not been vacated, was received and adopted.

The report from the Finance Committee that the Lunch Room at Osgoode Hall had been discontinued was received and adopted.

The petition of Mr. W. V. M. Shaver that he be permitted to apply for his certificate of fitness and for Call to the Bar, and

that he may receive a certificate of fitness and be called to the Bar accordingly, was referred to the Legal Education Committee.

The notice of motion which Mr. Watson had on the 21st day of May, 1909, given in regard to the appointment and remuneration of Scrutineers in attendance at examinations conducted by the Law Society was ordered to stand over.

The third reading of the Rule introduced by Mr. Bicknell on the 24th day of September, 1909, and read the first and second times on that day, amending Rule 188, sub-section (3) relating to the admission of Solicitors from other provinces of the Dominion was ordered to stand over.

The second reading of Mr. Lynch-Staunton's Rule, introduced and read for the first time on the 18th day of November, 1909, amending Rule 13 as to the time of meeting of Convocation, was ordered to stand over.

Convocation then rose.

FRIDAY, December 3rd, 1909.

PRESENT: The Treasurer, and Messrs. Bayly, Bicknell, Bruce, Farewell, Gibbons, Guthrie, Harcourt, Lash, Lynch-Staunton, McMaster, McPherson, Masten, Ritchie and Watson.

The Minutes of the last meeting of Convocation, held on Friday, the 19th day of November, 1909, were read and approved.

Mr. Bruce drew attention to the bereavement sustained by the death of Henry Hatton Strathy, K.C., a member of Convocation, who died at his residence at Barrie on the 30th ultimo, and at whose funeral Mr. Bruce attended.

Whereupon it was resolved by the Benchers in Convocation assembled that they desire to express their profound sorrow at the death of their late fellow of the Bench.

And Convocation records on the Minutes its sense of the great loss to the Bar and to the Bench in Convocation, of which he had been for many years one of its most active, devoted and assiduous members.

He was called to the Bar in Hilary Term, 1869. On October 23rd, 1885, he was appointed a Queen's Council for Ontario by the Governor-General of Canada in Council.

He was elected for four successive terms of five years each as a Bencher by the members of the Law Society at the general

elections held quin-quennially, namely: 18th May, 1891; 18th May, 1896; 21st May, 1901, and 25th May, 1906, and served as such elected Benchers for eighteen years and upwards of six months.

The resolution was adopted, and it was ordered that the same be communicated to the widow and the members of the family, with whom the Benchers sympathize in their deep affliction.

This minute is made accordingly.

The Special Committee appointed by Convocation on the 18th day of November last, in connection with the applications for office of Secretary and sub-Treasurer, reported that it had given notice to the applicants, and it had been attended by all but one of them. That explanations had been made to the applicants as to the duties devolving on the Secretary, outside of his office work; that all the applicants had expressed willingness to discharge such duties; that the Committee having inspected the apartments considered that in their present condition, residence of the Secretary there could not be insisted upon; that an examination of the apartments had been made by Mr. F. H. Herbert, architect, whose report was then submitted; that six of the applicants appeared to be qualified to fill the office of Secretary and sub-Treasurer, and that notice had been given that Convocation would, on Friday, 3rd December, 1909, proceed to the appointment of a Secretary and sub-Treasurer.

The report of Mr. F. H. Herbert, architect, as follows:—

G. H. WATSON, K.C.,  
Toronto.

TORONTO, Nov. 26th, 1909.

*Re Osgoode Hall.*

Dear Sir:—

I have made a very extended examination of the upper portion of the above building that has been used for living apartments, and have also examined the roof of the last main building, as well as the roof of the Law Society building. So far as the external covering of the roof is concerned, would say that apparently the whole of the galvanized iron work on both buildings has never been painted for a large number of years.

It is practically rusted right through, and is crumbling away. So far as this work is concerned I see no other alternative but to renew the whole of the iron gutters, troughs, valleys, flushings, ridges, and iron work generally, with either new galvanized iron or copper. The slating on some parts of the building is in a very fair condition, but I think a good deal will have to be renewed on the old part, so as to make the quarters habitable. I think it is possible to allow the old roof to remain so far as the construction is concerned as it is at present. I think the whole of the present ceiling joists can be taken out and raised at least 18 inches or 2 feet higher all through, dispensing entirely with the attic rooms above the flat, and extending up all the partitions as at present laid out, or they can be re-arranged, if necessary, although I think they are laid out in a practical manner to suit all purposes. The only alterations in the appearance of the outside of the building would be in the windows, and I recommend that they be raised up about 12 inches higher than at present, so that the upper member of the architrave would come level with the bottom of the freize. Unless the windows are altered I do not think the effect of heightening the ceilings would be fully appreciated, as the windows are entirely too low for light and ventilation. Whether the alterations to the Secretary's apartments are carried out or left in their present condition, it will be absolutely necessary to have the roof fixed, and it should be done at once, and I think it will entail a cost of not less than \$2,000. Of course estimates can be procured, and an exact amount arrived at. So far as alterations to the Secretary's apartments are concerned, it will be almost impossible to obtain an exact tender, as to the cost of this work, owing to the inability of contractors to discover fully what would be required.

I am of the opinion, however, that the whole work, including masonry, brick-work, carpenter-work, including all new windows, painting, glazing and decorating, leaving the top flat in a first-class condition, can be completed at an approximate cost of \$4,000. There is no question in my mind but that a first-class suite of apartments can be made, if this sum is expended.

To erect a new building on the grounds, giving this much accommodation, with heating and plumbing, would cost at least

\$8,000. This amount, of course, to be considered as an alternative scheme.

I should be glad to furnish you with any other particulars, if desired. All of which is respectfully submitted.

P.S.—The condition of the rooms at the present time is such that I certainly do not think they can be habitable as a residence. If the improvements are made as outlined, I think they will make a very good suite. I do not consider that the rooms in the upper storey or garret will be of any use, and I do not consider them in the present improvements.

Yours truly,

F. H. HERBERT.

*Supplementary Report.*

TORONTO, November 30th, 1909.

G. H. WATSON, K.C.,

Toronto.

Dear Sir:—

As I was not in my office yesterday afternoon, I did not receive your letter re the Osgoode matters until this morning.

You are under a misapprehension with reference to my report on the roof and the upper storey. I am satisfied that the roof, in order to put it in a perfect condition, will cost \$2,000, and the alterations to the top flat will entail a cost of at least \$4,000. I think it will be absolutely useless to spend anything on the roof unless it is put in thorough repair, as it will be only money thrown away.

I could at once, without entailing any expense on the Law Society, obtain tenders for the repairs to the roof, so that you would be in a position to know what this part of the work would cost.

Respectfully yours,

F. H. HERBERT.

The report of the Special Committee was received, and Convocation proceeded to consider it clause by clause.

The several clauses were each adopted, and the report then adopted as a whole.

Convocation then proceeded to the appointing of a Secretary and sub-Treasurer, and Mr. W. A. Cameron was declared elected, and was appointed Secretary and sub-Treasurer to take office forthwith, his salary and allowance to commence from the day of his taking office.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificates of fitness:—

Stuart Bruce VanKleeck, Freeman Ferrier Treleaven, and George Edgar McCann, and that A. C. Mackintosh do receive his certificate of fitness.

Mr. Bicknell from the Legal Education Committee reported that six applications for the position of Examiner had been received, all the applicants being eligible for appointment.

Ordered upon a report from the Legal Education Committee that the matter of the resignation of Mr. E. Douglas Armour do stand over until next term for a comprehensive report. That the petition of Mr. W. V. M. Shaver referred to this Committee on the 19th day of November, 1909, be refused.

Convocation then, pursuant to a call of the Bench for that purpose, proceeded to the appointment of an Examiner for the Law School in the place of Mr. R. L. McKinnon, whose term of office had expired.

Mr. Arthur Cohen was elected an Examiner.

The letter dated the 18th day of October, 1909, from the Principal of the Law School, was read as follows:—

THE LAW SCHOOL, OSGOODE HALL,

TORONTO, 18th October, 1909.

JAMES BICKNELL, K.C.,

Chairman, Legal Education Committee.

Dear Mr. Chairman:—

The great increase in the number of students, 94 being registered in the First Year, and the resignation of Mr. Armour make it desirable to consider the future position of the School in many respects.

The first great need is an addition to the permanent staff. This need not mean an increase in the number of Lecturers.

Another man giving all his time to the School and lecturing regularly twice a day would be a great strength in the efficient running of the School.

If a man could be secured in Mr. Armour's place who would be able to take Real Property, and in addition practical work in Practice, I should feel more satisfied as to the work of the School.

Practice has always been a difficulty, as you well know. The students have no longer the same chance of learning this in offices, as they once had; we should endeavour, therefore, to give more attention to it in the School. Special prizes in practical work, drawing pleadings, orders, documents and the like might stimulate the men. By having another man on the permanent Staff practical work could be done in this direction.

Even should the proposal for an addition to the permanent Staff not be accepted, I strongly recommend the appointment of some "demonstrator" in Practice, to take this up.

I am confident that a young Barrister can easily be procured, at a moderate remuneration, quite able to do this work satisfactorily.

Improvements are necessary in the School building; painting, etc., is required in some parts; the ventilation is not good, the lighting in the lecture rooms is not satisfactory.

The basement needs attention. These matters could be conveniently attended to in the Christmas holidays.

I ask for permission to use Convocation Hall for First Year lectures; we are overcrowded at present, and this, which was suggested to me by the Treasurer, Sir Æmilius Irving, seems the best way to deal with the difficulty.

Some more chairs, about twenty, with arm-rests for taking notes, would be needed; these should be numbered.

For the present we could use the chairs and tables used for examination purposes.

Yours truly,

(Sgd.) N. W. HOYLES.

Ordered that that portion of the Principal's letter relating to suggested improvements in the Law School building, to the care

of the basement, and to the proposed use of Convocation Hall for First Year lectures, and its equipment for that purpose, be referred to the Finance Committee, and that the remainder of the letter be referred to the Legal Education Committee.

The Rule introduced by Mr. Bicknell on the 24th day of September, 1909, and read the first and second times on that day, amending Rule 188, Sub-section (3), relating to the admission of Solicitors from other Provinces of the Dominion was read the third time and duly passed.

Mr. Bruce presented the report of the Inspector upon the County Law Library Association for the year 1909, and it was ordered that the same be printed and distributed to the profession as usual.

A letter from Mr. E. B. Brown, to the Acting Secretary, dated November 19th, 1909, directing attention to his letter of September 15th, 1909, to the Secretary, asking for payment of the sum of \$225 in completion of payment of his services as Acting Editor of the Law Report for the months of July, August and September, was read.

Ordered that Mr. Brown's letter be referred to the Reporting Committee, to inform him of their action already taken.

Ordered that the sum of one hundred dollars (\$100) be paid to the Acting Secretary as a bonus in recognition of his attention and activity.

The following gentlemen were then introduced and called to the Bar:—

Messrs. Stuart Bruce Van Kleeck, Freeman Ferrier Treleven, and George Edgar McCann.

Convocation ordered that a call of the Bench be made for the first day of Hilary Term next, for the purpose of electing a Bencher to fill the vacancy caused by the death of the late H. H. Strathy.

Convocation then rose.

## LAW SOCIETY OF UPPER CANADA.

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*To the Treasurer and Benchers of the  
Law Society of Upper Canada.*

*Gentlemen,*—Pursuant to your instructions I have inspected the County Law Libraries other than that at Kenora and beg to submit the following:—

Notwithstanding many disadvantages, such as poor accommodation for their library and the penuriousness of the County Councils, it must be granted that on the whole the associations have done very well in getting together such good collections of serviceable books and in maintaining them. Not very many of the associations have had the opportunity of having a room specially built or laid out for them, but most of them have had to take whatever space was available and do the best with it. Even where the association has been consulted it has been too modest and has not considered sufficiently the future and the rapid natural increase of a library. The consequence is that with one or two exceptions the books are becoming very crowded and the available space for tables and chairs for the convenience of those using the library, more and more encroached upon. This is a great drawback, as a certain amount of comfort and attraction, and some will say a great deal, is necessary to encourage reading in a law library. Accordingly books are being taken away to the inconvenience of others, who come to refer to them, and the work of the secretary or librarian is made harder and discouraging owing to the continual shifting of books to make room for the yearly additions.

However, even under the present circumstances there are remedies for many of these drawbacks if those in charge will but take the matter in hand and pursue it to a conclusion.

The County Council is bound to provide for the library and will, I am sure, do so if the matter is placed properly before them, and followed up until the request is granted. If the association

is lacking in vigour its requests are probably likewise, and the response is in accordance therewith. There is no association which is active in its desire to have and maintain a good library that has not been able to get its requirements complied with. Continued refusals are no doubt discouraging, but nothing of value is obtained without continuous effort.

Much of the arduous labour and bother of keeping the books properly arranged can be saved if those in charge would take count of the usual yearly additions to their different series or reports, etc., and make an arrangement for years to come. In order to do this, more shelf room is necessary, but it should always be largely in excess of the actual requirements for the books on hand. A little forethought will save a great amount of labour.

The Hastings Association is having new quarters laid out in a new building and for the benefit of all it might not be amiss to set out what they should require, and any other association can apply to their present location as much of it as possible.

1. The library should be convenient to the Court room and Chambers, and also easy of access at all times. The furniture, that is the tables and book stacks, should be laid out in the most convenient manner, having regard to the available daylight, if it is not possible to have the windows arranged to suit. The lighting for evening use should be so arranged as to give good light on the books and on the tables, and there should be plenty of it.

2. A sound-proof cabinet should be put in for the telephone if there is one, with switch to the room or desk of the party who will have to answer it.

3. The floor should be covered with a covering as noiseless as possible (not carpet), and the walls and ceiling should be decorated or tinted. There should be shades on the windows.

4. Provision should be made for ventilating the room, if possible, without the opening of windows, as this is responsible for most of the dust which injures the books and renders their use disagreeable. The heating appliances should be placed so that the books and furniture will not be damaged, as is so often the case with steam heat.

5. Where there is plenty of floor space the stack is preferable to the wall shelf, as it is more easily cleaned. These stacks should be of such a height that the highest shelf can be easily reached without any appliance and the lowest shelf should be some distance from the floor, all so arranged in height one from the other that there is just play enough to get the books out and with stops to prevent them from going behind the edge of the shelf. On the edge should be tacked a strip of leather, falling down over the top of the books below. This prevents to a large extent the accumulation of dust. There is no necessity for movable shelves as the size of the books likely to be on them is known and shelves can be arranged accordingly. Sufficient of these stacks should be obtained to do for many years, calculating the usual yearly increase so as to avoid constant re-arrangement. Where wall shelves are used the same requirements should be had. Glass doors, either sliding or hinged, are not in favour.

6. Good, large tables and comfortable chairs are a necessity, and all the furniture should be substantial, of good quality, and uniform in design.

7. There should be a high desk right at the door for a register of books taken from the library.

8. The County authorities are responsible for the caretaking of the building and the association should see that the library is kept clean.

These things provided for it, the association should itself see to the following:—

1. That its books are arranged systematically and that in the arrangement provision is made for additions from year to year so as to avoid congestion, especially in the reports and yearly subscription works.

2. That the books are stamped conspicuously outside with the name of the association. Books should be purchased on the condition that this is done by the vendor, and when binding the binder should do it. For books already in the library, a neat adhesive label of leatherette can be obtained at a small cost.

3. The shelves or stacks should be labelled prominently with name of contents.

4. A catalogue should be made at once and kept in a perma-

ment form and up to date. This serves as a record of the contents of the library and is necessary when a new officer or librarian takes charge. In this catalogue might be entered particulars of the book, cost, publisher, date of receipt, etc. It is preferable in almost all cases to keep a daily addition book with these particulars from which the catalogue could be entered up.

5. A minute and cash book well bound and properly kept and entered.

6. A list of members entitled to use the library for the current year posted in a conspicuous place with a notice that its use is limited to those on the list.

7. A register for borrowed books put in a convenient place with a conspicuous notice requiring entry of all books taken away. Rules against taking books away appear to be more observed in the breach than in the performance, and it is the better policy to recognize the situation as it is and adopt the best means to offset the danger of loss of books. Books should not be allowed out of the library except for use in the Court house, but many of the Court houses are far from the offices and are so unattractive that the book borrower is not to be wondered at. Apparently books will be taken and it is better to have a record so that a book can be traced. A large and well-bound book indexed with the names of members under which books borrowed are entered has been found satisfactory. The most satisfactory way from the standpoint of a user of the library is the placing of the borrower's card in the room of the book taken, as it immediately shews him where the book is, but the cards are pushed aside and lost, and there is no permanent record. A combination would be very satisfactory, but too cumbersome.

8. Paper, pens and ink for those using the library.

9. Each association should have a librarian, if for no other purpose than to see that the books are kept in order and returned by those who persist in taking them away and not returning them. One worthy the name of librarian can do a great deal more than this. With a little instruction, the decisions of the Courts as outlined in the head-note of cases can be noted in the reports affected. It does not take very long to note up each number as it comes in, but if neglected it does become monoton-

ous. Further, the reports can be read and cases mentioned in the judgments can be noted, and it will not take long for anyone to do the work thoroughly and well. Where three or four series of reports are taken, which is the case in practically every library, there is ample to keep a librarian busy. The cost to the association is small and the result will be found very beneficial. Almost every member has some reports, but very few have them all, and very, very few have them annotated, and as the use of the library grows, as it will, the interest of the members of the profession grows. Fees are paid more promptly, new members will come in and all will willingly increase their subscriptions, for the library has become a library indeed.

10. Hold the meetings of the association regularly, and maintain the interest of the members in both the association and the library.

11. Have the library thoroughly cleaned twice a year, if possible, but at least once after the need of opening windows during the hot weather has passed.

There is very little of consequence to report as to the individual libraries, as they remain practically as stated in my last annual report. However, I have added a few remarks under the heads of the individual associations.

All of which is respectfully submitted.

DUNCAN DONALD,  
*Inspector.*

Toronto, 15th October, 1909.







## HILARY TERM.

THURSDAY, February 10th, 1910.

PRESENT: The Treasurer, and Messrs. Bicknell, McMaster, Harcourt, McPherson, Farewell, Glenn, Hogg, Bayly, Shepley, Bruce, McIntyre, Nesbitt (Wallace), Ritchie, Masten, and Wilson.

The Minutes of the last meeting of Convocation, held on Friday, the 3rd day of December, 1909, were read and approved.

Convocation then, pursuant to the call of the Bench, ordered on the 3rd of December last, proceeded to the election of a Benchman to fill the vacancy caused by the death of the late H. H. Strathy.

Mr. William Henry McFadden was then elected a Benchman.

The following Special Report from the Legal Education Committee was read:—

The Legal Education Committee begs to report that it has taken into consideration the present condition of the Law School, especially in view of the resignation of Mr. Armour. The Committee has under consideration several plans for widening the curriculum and increasing the efficiency of the Law School by additions to the teaching Staff, but has not yet arrived at a definite conclusion. Mr. Armour's resignation does not take effect until the close of the present term of the Law School in April. The Committee is of opinion that a successor to Mr. Armour should be appointed at once, so that he may be ready to enter upon his duties at the opening of the Law School next September, and the Committee recommend that Convocation suspend the Rules so as to authorize it to recommend a successor, subject to the approval of Convocation, and that a call of the Bench be made for the 18th inst., to approve of such recommendation.

The report was taken into consideration and adopted.

Convocation ordered that a call of the Bench be made for Friday, the 18th inst., to appoint a successor to Mr. Armour as Lecturer for the Law School.

The following communication from the Hamilton Law Association was read and referred to the Committee on Journals and Printing:—

COURT HOUSE, HAMILTON, ONT.,

January 24th, 1910.

THE SECRETARY,

Law Society of Upper Canada.

Dear Sir:—

At the Annual Meeting of the members of the Hamilton Law Association, held in January, 1910, it was unanimously resolved that in their opinion there should be an increase of fees provided for in those cases when what were formerly High Court cases are now tried in the County Courts, and also that there should be an increase in Surrogate fees in respect to estates over \$20,000 in value, and the payment for Succession Duty papers provided for.

Yours truly,

W. T. EVANS, *Secretary.*

The petition from the County of Frontenac Law Library Association for a loan of \$500 for ten years, without interest, was read and referred to the County Libraries Committee.

The petition from the Examiners of the Law School for an increase in their salaries was read and referred to the Legal Education Committee for report.

Mr. Shepley, from the Library Committee, presented the report of the Librarian for the year 1909, with the recommendation that the report be printed and distributed with the next number of the Ontario Law Reports. The report was received and adopted, and it was ordered that it be printed and distributed as recommended.

Mr. McMaster gave notice that he would, on Friday, the 11th inst., introduce the following Rule:—

“That Rule 46 be amended by striking out the present provisions for payment of the salaries of the Editor and Reporters, and adding at the end of the section the words, “and the Editor shall be paid monthly such amounts as he may from time to time be entitled to under any subsisting contract in that behalf.”

Convocation ordered that Mr. Watson's notice of motion of the 21st of May last, relating to the appointment and remunera-

tion of Scrutineers in attendance at Examinations conducted by the Law Society do stand over for the present or until Mr. Watson moves thereon.

Mr. McFadden was then appointed a member of the following Standing Committees:—Finance, County Libraries, Legal Education and Discipline.

Convocation then rose.

FRIDAY, February 11th, 1910.

PRESENT: The Treasurer and Messrs. McIntyre, McPherson, McMaster, Harcourt, McFadden, Shepley, Bruce, Bicknell, Nesbitt (J. H.), Lynch-Staunton, Masten and Ritchie.

The Minutes of the last meeting of Convocation, held on Thursday, the 10th day of February, 1910, were read and approved.

Mr. Bicknell, from the Legal Education Committee, reported upon the results of the Examinations of the Law School, held before Christmas, 1909, as follows:—

In respect of the *First Year* Examination, held before Christmas, 1909, upon the subject of Real Property, the report of the Examiners shews that the following gentlemen have obtained sufficient marks to be allowed the Examination on this subject, provided they are in other respects regular for such allowance:—

Messrs. J. M. Langstaff, W. G. Jackson, D. L. Constable, T. B. Malone, F. C. Carter, and F. J. Foley, D. A. MacRae, and G. D. Conant (equal), G. E. Newman, S. W. C. Scott, S. C. Arrell, J. H. Oldham, G. Keogh, and A. E. Day, A. L. McGovern, J. H. Shannon, W. G. Atkin, and D. W. O'Sullivan (equal), J. H. Cavell, and B. L. Bedford, and E. F. Singer (equal), W. C. Davidson, and L. E. Awrey, N. B. Wormwith, M. Nesbitt, R. Maclean, E. R. E. Chevier (equal), G. R. Kappelle, and C. V. Langs, and C. M. Johnston (equal), A. E. Langman, and A. Granatstein, R. K. Gordon and H. P. Edge (equal), P. G. Kiely, S. M. Mehr, A. B. Collins and E. F. Raney (equal), W. V. Carey, H. V. Laughton and H. S. Price (equal), A. C. Craig and E. G. McMillan (equal), T. H. Simpson, W. H. Clipsham and J. A. P. Labelle and W. J. Goodwin and C. M. Scott (equal), M. A. Miller and J. O. Robinson and E. H. Conway and M. J. A. Folins-

bee (equal), H. W. Bethune, J. B. Hopkins and J. J. Bontel (equal), H. R. Valin, A. Cochrane and S. H. Slater (equal), H. C. Macklem and W. A. Goetz (equal), J. R. Corkery and V. J. Callen (equal), W. P. Clement, J. H. L. Morgan and A. M. Garden (equal), C. W. Widdifield, D. W. Cooper and C. B. Scott and H. B. Daw and J. C. Macbeth and J. A. Campbell (equal), J. Cowan, Jr., H. K. Harris, S. S. Mills, R. Smith, A. M. Dewar and H. G. Smith and H. L. O'Rourke (equal), J. H. M. Bond, C. L. Fraser, G. F. Rooney, H. E. B. Coyne and E. H. Lancaster (equal), M. E. Brown and C. E. Stonehouse (equal), W. McCarty, M. K. Lennox, W. C. Pollard, A. B. Turner, C. R. Burroughs, A. H. Fleischman.

Of the foregoing, the following obtained sufficient on pass and honour marks combined to render them eligible to continue their Examination for honours at Easter, provided they are in other respects eligible:—

All, except Messrs. H. B. Daw, R. Smith, C. L. Fraser, H. E. B. Coyne, E. H. Lancaster, H. G. Smith, W. McCarty, W. C. Pollard, C. R. Burroughs, A. H. Fleischman, C. E. Stonehouse, S. S. Mills, and A. B. Turner, who failed to obtain the necessary number of marks: and except Messrs. G. D. Conant, T. H. Simpson, J. O. Robinson, H. V. Carey, H. C. Macklem, A. M. Dewar, W. A. Goetz, C. M. Scott, J. Cowan, Jr., E. A. Conway, H. K. Harris, M. E. Brown, M. K. Lennox, J. H. M. Bond, and H. L. O'Rourke, who did not write.

In respect of the *Second Year* Examinations, held before Christmas, 1909, in the subjects of Equity, Evidence and Torts, the report of the Examiners shews that the following gentlemen have obtained sufficient marks to be allowed the Examination, provided they are in all other respects regular for such allowance:—

Messrs. J. A. McNevin, F. W. Wilson, G. A. Urquhart, R. P. Stockton, W. W. Lyle, J. Singer and A. Cohen (equal), G. Cooper, P. Kerwin, H. H. Davis and E. T. Coatsworth (equal), A. V. Wood, G. T. Davidson, W. B. Waters and W. Morrison (equal), W. L. Carr, J. Parker and W. G. Bartlett (equal), R. P. Saunders and H. J. G. McKenna (equal), T. Moss, C. S. Buck, F. J. Hughes and T. G. McHugh (equal), C. A. Thomson, J.

Gilchrist, H. S. Murton, W. J. McLarty and A. H. Gibson (equal), J. M. Macdonnell and E. K. Williams (equal), E. S. Williams and N. E. Towers (equal), R. J. Driver, W. J. M. Cass, C. W. Livingstone, D. A. J. Swanson, G. A. Grover and D. A. Cameron (equal), F. B. Edmunds, G. N. Shaver, A. C. MacNaughton and G. C. Valens (equal), J. E. Madden, J. A. Humphries and T. R. Sloan (equal), A. Singer and T. A. Silverthorn and G. G. Paulin and W. W. Davidson (equal), J. J. Hubbard, J. M. Duff and H. Ostlund (equal), R. P. McBride, J. P. Ebbs, R. Honeyford and W. H. Boundon (equal), J. Aitchison, J. M. Adam, W. W. Ferguson, G. W. Ballard, C. B. Sutherland.

The following gentlemen failed to obtain 55 per cent. on the total of marks, but as they have obtained at least 40 per cent. on the aggregate and at least 29 per cent. on each paper, they are entitled to make up their deficiency at Easter:—

Messrs. H. E. Snider, W. H. Kirkpatrick and A. M. Boyd (equal), H. A. Newman, F. H. Deutschman, G. E. Newman, E. C. Ironside, J. R. F. Stewart, H. H. Gilchrist, V. J. McElderry, R. A. Junor, F. G. Mackenzie.

The following gentlemen who wrote for honours obtained sufficient marks to entitle them to continue their Examination for honours at Easter:—

Messrs. G. A. Urquhart, J. Singer, F. W. Wilson, R. P. Stockton, P. McKervin, G. T. Davidson, A. Cohen, G. Cooper, W. B. Waters, H. H. Davis, E. T. Coatsworth, A. V. Wood, W. Morrison, W. G. Bartlett, H. J. G. McKenna, T. G. McHugh, C. A. Thomson, J. Gilchrist, J. M. Macdonnell, W. J. M. Cass, C. W. Livingstone, G. G. Paulin, W. W. Davidson.

In respect of the *Third Year* Examination, held before Christmas, 1909, upon the subjects of Evidence, Practice, Commercial Law, and Construction of Statutes, the report of the Examiners shews that the following gentlemen have obtained sufficient marks to be allowed the Examination, provided they are in all other respects regular for such allowance:—

Messrs. J. C. Stewart, C. F. Ritchie, R. W. Hart, S. W. Field, J. W. Hefferman, T. A. Flynn, T. H. Stinson, W. D. M. Shorey,

J. A. Dyke, L. P. Sherwood, J. I. Grover, O. H. King, J. C. Macdonald, T. H. Peine, N. R. Robertson, W. G. Anderson, R. Dingwall, A. J. McKinley, G. S. McMahon, F. J. Ap'John, J. O. Begg, W. V. M. Shaver.

The following gentlemen failed to obtain 55 per cent. on the total of marks, but as they have obtained at least 40 per cent. on the aggregate and at least 29 per cent. on each paper, they are entitled to make up their deficiency at Easter:—

Messrs. A. C. T. Lewis, R. E. Alexander, T. W. Lawson, F. Reilly, G. A. Archibald, A. G. Parish, T. R. J. Wray.

Of the foregoing gentlemen, the following having obtained at least 50 per cent. in each subject, are eligible for honours:—

Messrs. C. F. Ritchie, R. W. Hart, S. W. Field, J. W. Hefferman, T. A. Flynn, T. H. Stinson, W. D. M. Shorey, J. A. Dyke, L. P. Sherwood, J. J. Grover, O. H. King, T. H. Peine, W. G. Anderson and R. Dingwall.

The Committee further reported that Mr. James G. G. Bayly had, on the 5th of January, 1910, written, suggesting that the Law Society make application for an amendment of the Solicitors' Act to the following effect:—

“The President of the Law Society for the time being may by writing under his hand, upon application made to him in the prescribed form, grant to any applicant over the age of twenty-one years a certificate that such applicant is a fit and proper person to be received as a candidate for admission to practice as a Solicitor (or Barrister) and prescribing such formalities and Examinations as under the circumstances he may consider the applicant ought to observe and undergo, and thereupon the applicant shall be entitled to be admitted to practice as a Solicitor (or Barrister) upon compliance with such certificate as if he had complied with all the conditions imposed by the Solicitors' Act.”

The Committee reported against this proposition.—Carried.

The Secretary was directed to write to Mr. Bayly that Convocation did not approve of his suggestion.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar, and do receive their certificates of fitness:—Messrs. M. Grant and H. G. Meir.

That the petition of Mr. W. V. M. Shaver to be called to the Bar and enrolled as a Solicitor forthwith be granted, and that one-half of the Law School fees for the Session of 1909-10 be returned to Mr. Shaver. That the petition of Mr. E. M. Dillon to be admitted nunc pro tunc as of Hilary Term, 1909, be granted.

Mr. John W. Nesbitt, on behalf of Mr. Wallace Nesbitt (now in Court) gave notice that he will, at the meeting to be held on the 18th February, move that compensation to the extent of one year's salary be made to Mr. George F. Harman, recently and for many years a reporter in the service of the Society, in respect of his retirement under the new rules relating to reporting; and that Rule 45 be rescinded or suspended for the purpose of making such compensation.

Mr. McMaster, pursuant to notice, introduced the following Rule:—

“That Rule 46 be amended by striking out the present provisions for payment of the salaries of the Editor and Reporters, and adding at the end of the section the words, ‘And the Editor shall be paid monthly such amounts as he may from time to time be entitled to under any subsisting contract in that behalf.’ ”

The Rule was read a first time.

Convocation then rose.

FRIDAY, February 18th, 1910.

PRESENT: The Treasurer, and the Minister of Justice, and Messrs. Farewell, Bayly, Bruce, Shepley, Lash, Harcourt, Nesbitt (Wallace), Watson, Wilson, Ritchie, White, McMaster, McFadden, Lynch-Staunton, Nesbitt (J. W.), and Bicknell.

The Minutes of the last meeting of Convocation, held on Friday, the 11th day of February, 1910, were read and approved.

A petition from Alexander Campbell, a Solicitor of the Supreme Court of Scotland, stating his desire to qualify as a Solicitor in Ontario, and asking the Law Society to prescribe the subjects of Examination, was read and referred to the Legal Education Committee.

Mr. Watson from the Finance Committee presented the Annual Statement of the receipts and expenditures of the Law

Society for the year ending 31st December, 1909, pursuant to R.S.O. ch. 172, sec. 53.

Ordered that the Statement be printed and distributed in accordance with the Statutes and Rules in that behalf.

The Finance Committee further reported as follows:

The Committee has found that the roof of the Law School building and of Convocation Hall requires complete restoration, and a contract has been let for renewing and replacing the roof, with other necessary attachments, and the matter will be proceeded with at once as a necessary protection to property.

In connection with the maintenance and use of the property of the Society, your Committee has also given consideration to the question of the use and of the necessary changes and improvements and repairs in the upper flat of the East wing, formerly used as the Secretary's living apartments. The Committee begs herewith to submit to Convocation some sketches and plans prepared by an Architect, and also communications from him upon the subject of such proposed changes.

The Committee respectfully suggests that Convocation should consider the question involved and give such direction as may be deemed proper in respect to the future use of the apartments and in respect to such other structural changes and conditions as may be necessary; and your Committee recommends that directions should be given to a Building Committee, appointed for the purpose of carrying out the directions of Convocation, with authority to make and adopt and carry out and execute such structural changes and improvements as may be found by the Committee to be necessary and proper.

Respectfully submitted,

(Sgd.) GEORGE H. WATSON.

The report was received, and Convocation proceeded to consider it clause by clause.

The first clause was adopted.

Mr. Shepley moved, in amendment of the second clause that, for the future, the upper flat be used for Library purposes.

—Carried.

Upon consideration of the third clause, Mr. Shepley moved, "That the matter of making such structural changes as may be involved in the adaptation of the premises in question to Library purposes, including proper access thereto from the first floor, and including (should that course be considered expedient by the Committee hereinafter named) the re-construction and enlargement of the present structure containing (inter al.) the room on the ground floor designated 'Treasurer and Committees,' and the rooms on the first floor known as Consultation Rooms, be referred to a Special Committee with power to make such contracts as may be deemed proper for the execution of the work; the Treasurer, Mr. Bruce, Mr. Watson, Mr. Bicknell, and Mr. Shepley to be the Building Committee."—Carried.

The Report of the Finance Committee, with the several amendments incorporated in it, was then adopted.

Mr. Wallace Nesbitt, pursuant to the notice given on the 11th day of February, 1910, moved that Rule 45 be suspended, for the purposes of the motion now about to be made by him.

A call of the vote being taken, the result was as follows:—

Yeas—Messrs. Bicknell, McMaster, Ritchie, McFadden, Farewell, Harcourt, Nesbitt (J. W.), and Nesbitt (Wallace), 8.

Nays—Messrs. Watson, Shepley, Bruce, and Bayly, 4.—Carried.

Mr. Wallace Nesbitt then moved, "That the Reporting Committee do consider and report whether compensation to the extent of one year's salary be made to Mr. George F. Harman, recently and for many years a reporter in the service of the Society, in respect of his retirement under the new Rules relating to reporting."—Carried and ordered accordingly.

Mr. Bicknell from the Legal Education Committee presented the following report:—

The Legal Education Committee, having further considered the present condition of the Law School, begs to advise Convocation that it is not yet prepared to fully recommend to Convocation the changes desired.

The Committee is firmly impressed with the conviction that the students of the Law School are not able to acquire, during their Law School course, in law offices as now constituted that full

knowledge of the work of a practising lawyer, which is essential to their success. The Committee is of opinion that additional facilities should be afforded for teaching the practical work in the office of a Solicitor and conveyancer, including therein the preparation of all classes of documents constituting the **output** of such offices, and the conduct through the Courts of superior, inferior, and summary jurisdiction, of the various classes of actions and proceedings. It would appear not to be practicable to expect to obtain all the instruction necessary upon these subjects from the present staff of Lecturers. The Committee think that the present Lecturers should, so far as possible, if they are not already doing so, endeavour to impart to the students the methods of practically applying the principles of law, to the elucidation of which their lectures must of necessity more particularly be directed. In the opinion of the Committee it would be advisable to appoint temporarily from time to time, Assistant Lecturers for the purpose of giving instruction to the students upon the lines indicated. These Assistant Lecturers need not necessarily be residents of Toronto. Great advantage might be derived by having a limited number of lectures delivered each term from practitioners outside of Toronto, giving instruction upon the class of work done by such practitioners.

If the principle of these recommendations is adopted by Convocation, the Committee would ask leave to take the necessary steps for carrying them into effect, as far as possible, in conjunction with the Principal and Faculty of the Law School.

Applications have been made to the Committee from time to time by students of the Matriculant Class asking leave to attend lectures in the first and second years of their service. At the present time, students of the Matriculant Class are not entitled to attend the Law School until their third year when they are entitled to take the lectures of the Law School in the first year. The Committee is of opinion that it would be wise, now that the Law School is thoroughly established, to allow students of the Matriculant Class to take their first year in the Law School at any time after entering the Society, and that they should have the right to pass the examinations of the various years at any

time after completing their attendance in Law School for such year.

The Committee recognize that it would be possible for a student to complete his Law School course during the first three years of his term, leaving him two years to serve in an office untrammelled by attendance at lectures.

The teaching of the practical application of the principles of law should be either contemporaneously with or after some knowledge of those principles has been obtained. At present, five-year students are compelled to spend the first two years of their time in an office, and are during that period practically ignorant of any of the principles of law. The Committee recognize that practitioners outside of Toronto derive a large portion of their clerical assistance from such students, and the Committee think that it would be advisable to obtain the views of the County Law Association upon the advisability of making a change in the direction suggested by this report.

The Committee is of opinion that at the present time no Vice-Principal or other permanent appointment should be made to the staff of the Law School.

(Sgd.) JAMES BICKNELL,  
Chairman, Legal Education Committee.

The Report was referred back to the Legal Education Committee for further consideration and report, excluding any reference to the subject-matter of the last clause of it, that Convocation does not contemplate at any time the appointment of a Vice-Principal or other permanent appointment to the staff of the Law School.

Convocation then, pursuant to the call of the Bench, ordered on the 10th of February last, proceeded to the appointment of a Lecturer for the Law School in the place of Mr. E. Douglas Armour, resigned.

Mr. Bicknell, from the Legal Education Committee, pursuant to the authorization of Convocation on the 10th of February last, recommended that Mr. Shirley Denison be appointed.

Mr. Shirley Denison was then appointed a Lecturer for the Law School at the salary of \$1,500 per annum in accordance with Rule No. 46.

Convocation ordered that Mr. Denison's salary do begin, dating from the 1st of July next.

Mr. Bicknell from the Legal Education Committee presented the following report with respect to the petition from the Examiners of the Law School, which was referred to that Committee on the 10th of February last:—

“The attendance has fluctuated from year to year, and it cannot be assumed that the present increase is permanent. The Committee recommends that one or two temporary additional Examiners be appointed to assist the present Examiners at the Easter Examinations. The Committee suggests that the appointment of such Examiners, and the fixing of their remuneration be left to the Committee, subject to the approval of Convocation. On the question of voting an additional recompense for the Christmas Examinations, the Committee recommends that the matter stand over for further consideration.

Convocation ordered accordingly.

Ordered upon a report of the Legal Education Committee that Mr. W. V. M. Shaver be called to the Bar, and do receive his certificate of fitness.

The following gentlemen were then introduced and called to the Bar:—

Messrs. M. Grant, H. G. Meir, and W. V. M. Shaver.

Ordered upon a report of the Legal Education Committee that the petition of Mr. W. D. Herridge to be relieved of attendance at lectures for the present term of the Law School be granted upon payment of the usual fees.

The Rule introduced by Mr. McMaster on the 11th of February last, and read the first time on that day, amending Rule 46, relating to the payment of the Editor's salary, was read a second and third time, and duly passed.

Convocation then rose.

PROCEEDINGS OF THE LAW SOCIETY OF UPPER CANADA

STATEMENT OF  
RECEIPTS AND EXPENDITURE

OF THE  
LAW SOCIETY

FOR THE YEAR ENDING 31st DECEMBER, 1909.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1908.

RECEIPTS.		1909
1908		
	Solicitors' Certificates:	
	Paid after the beginning of the year, but payable the Michaelmas pre- vious .....	\$ 3,750 00
\$ 3,850 00	Fines Collected .....	476 00
268 00	Fees and fines in arrear prior to the preceding Michaelmas .....	258 00
322 00	Payable in Michaelmas of the cur- rent year .....	21,135 00
20,955 00		\$25,619 00
\$ 25,396 00		
	Barristers' Annual Fees:	
	Paid after the beginning of the year, but payable the Michaelmas pre- vious .....	514 00
530 00	In arrear prior to the Michaelmas of the preceding year .....	374 00
275 00	Payable in Michaelmas of the cur- rent year .....	2,802 00
2,754 00		
3,559 00	Notice Fees .....	3,690 00
144 00	Students' Admission Fees .....	152 00
4,650 00	Fees on Petitions and Diplomas .....	4,950 00
71 00	Law School Tuition Fees .....	85 00
16,255 00	Solicitors' Examination Fees .....	19,925 00
3,470 00	Call Fees under 57 Vict. ch. 44 and other Cases .....	2,835 00
100 00	Call Fees in Ordinary Cases .....	800 00
4,380 00		4,875 00
4,480 00		5,675 00
\$ 58,025 00	Carried forward .....	\$62,931 00

## LAW SOCIETY OF UPPER CANADA.

1908		1909
\$ 58,025 00	Brought forward .....	\$62,931 00
	County Library Loans returned:—	
50 00	Essex .....	50 00
	Hastings .....	45 00
45 00	Kent .....	45 00
35 00	Lambton .....	35 00
52 50	Leeds and Grenville .....	52 50
50 00	Lindsay .....	50 00
67 00	Oxford (2 instalments in 1908)....	33 50
32 50	Perth .....	
30 00	Stormont, Dundas and Glengarry...	30 00
33 50	Welland .....	33 50
395 50		374 50
36 16	Commission on Telegraph Messages.....	31 09
3,373 89	Interest and Dividends.....	3,725 03
30	Fines in respect of Students' Lending Library.	40
175 00	Grant from Ontario Government in aid of Tele- graph and Telephone Service.....	175 00
	72 00 Subscriptions for Statutes for 1908.	
962 00	890 00 " " " 1909. 64 00	
	" " " 1910. 1,119 00	1,183 00
\$ 62,967 85	Grand Total .....	\$68,420 02

## EXPENDITURE.

## REPORTS—

1,887 75	Printing Reports .....	\$ 2,785 34
	Salaries:—	
	2,000 00 Editor, January to August, 1909...	\$1,283 30
6,800 00	4,800 00 Reporters, January to August, 1909.	2,900 00
	Editor (under new contract), September to December, 1909....	2,266 64 6,449 94
\$ 8,687 75		9,235 28

## LAW SCHOOL:—

## Salaries:—

5,000 00	Principal .....	5,000 00
6,000 00	Four Lecturers at \$1,500 each.	6,000 00
1,650 00	Salaries of Examiners.....	1,650 00
130 00	Scrutineers at Examinations.....	210 00
297 85	Printing and Stationery.....	308 85
752 99	Scholarships and Medals.....	713 00
	Caretaking, Light, Heating, Furni- ture and Maintenance.....	800 26
779 57		
\$ 14,610 41		14,682 11
\$ 23,298 16	Carried forward .....	\$23,917 39

## LAW SOCIETY OF UPPER CANADA.

iii

1908			1909	
\$ 23,298 16		Brought forward .....	\$23,917 39	
LIBRARY:—				
4,182 81	Books purchased .....	3,928 92		
533 85	Binding .....	749 30		
144 90	Maintenance, including Stationery..	280 10		
250 00	Dusting books and cleaning.....			
<hr/>		<hr/>		
5,111 56		4,958 32		
Salaries:—				
2,400 00	Librarian .....	2,400 00		
1,000 00	Ass't Librarian..	1,050 00		
	Attendance dur-			
	ing evenings....	182 25		
3,583 00		<hr/>	3,632 25	
8,694 56		<hr/>		8,590 57
LAW COSTS:—				
86 09	Taxed Costs and Counsel Fees.....			
811 86	TELEGRAPH AND TELEPHONE OFFICE...			810 10
LIGHT, HEATING, WATER, GROUNDS AND INSURANCE:—				
Payment to Ontario Government for				
890 00	Steam Heating .....	890 00		
648 69	Lighting .....	761 33		
90 65	Heating .....	104 02		
112 29	Water .....	42 12		
1,072 12	Grounds .....	1,943 06		
	Repairing and Painting Fence...	603 90		
	Insurance—3 years .....	1,827 00		
7 50	Insurance on Books at Bindery...	4 40		
	Rent for Safe Deposit Drawer for			
	Inventories .....	8 00		
2,829 25		<hr/>		6,183 83
ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE .....				
625 65				516 87
	Appropriation on account of pro-			
	posed building expenditure.....			3,500 00
COUNTY LIBRARIES AID:—				
<i>Annual Grants.</i>				
228 84	Brant .....	258 67		
64 67	Bruce .....	86 67		
565 00	Carleton .....	620 00		
<hr/>		<hr/>		
\$ 36,345 57	\$858 51	Carried forward .....	\$ 965 34	\$43,518 76

## LAW SOCIETY OF UPPER CANADA.

1908		1909		
\$ 36,345 57	858 51	Expenditure—Brought forward.....	\$ 965 34	\$43,518 76
	241 62	Elgin .....	228 78	
	222 50	Essex .....	195 00	
	160 40	Frontenac .....	151 34	
	180 46	Grey (for 2 years in 1908).....	90 33	
	555 00	Hamilton .....	582 50	
		Hastings .....	338 00	
	208 34	Huron .....	208 34	
	155 00	Kent .....	160 00	
	126 67	Lambton .....	141 00	
	182 86	Leeds and Grenville.....	184 67	
	182 50	Lindsay .....	182 50	
	470 00	Middlesex .....	527 50	
	45 00	Norfolk .....	45 00	
	86 00	Ontario .....	97 00	
	241 67	Oxford (for 2 years in 1908)....	114 17	
	103 33	Perth .....	99 23	
	193 40	Peterborough .....	169 00	
	113 67	Simcoe .....	111 67	
	98 84	Stormont .....	113 33	
	177 50	Waterloo .....	171 67	
	125 00	Welland .....	120 00	
	236 34	Wellington (for 1907).....		
	731 23	York .....	800 00	
			5,796 37	
	5,695 84			
	225 00	Payment to Inspector for 1908.....		
		“ “ “ “ 1909.....	225 00	
5,920 84				6,021 37
SECRETARIAT AND CARETAKING:—				
	1,800 00	Secretary's Salary .....	1,597 75	
		Gratuity to retiring Secretary.....	1,000 00	
		Acting Secretary's allowance.....	200 00	
		“ “ Assistant.....	26 00	
	100 00	Auditor's Fee .....	100 00	
	615 00	Caretaker's Wages .....	615 00	
	262 18	General Expenses and Housekeeping.	191 56	
2,777 18				3,730 31
261 18		PRINTING, ADVERTISING AND STATIONERY		362 90
SUPREME COURT REPORTS:—				
	964 37	Subscription to Vol. 39, as per contract with the C.L.B. Co. (one-half).		
	1,928 75	Subscription to Vol. 40, as per contract with the C.L.B. Co.....		
		Subscription to Vol. 41, as per contract with the C.L.B. Co.....	1,913 75	
		Subscription to Vol. 42, as per contract with the C.L.B. Co. (one-half).	956 87	
\$ 2,893 12				2,870 62
STATUTES:—				
	998 20	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society..		1,143 25
\$ 49,196 09		Carried forward .....	\$ 57,647 21	

LAW SOCIETY OF UPPER CANADA.

v

	1908			1909
\$ 49,196 09		Expenditure—Brought forward . . . .		\$57,647 21
		MISCELLANEOUS:—		
	442 68	Term Expenditure . . . . .	474 25	
	46 56	Postage . . . . .	23 59	
	2 06	Telegrams. . . . .		
	3 00	Rent of Box in Safe Deposit Vaults.	3 00	
	19 50	Ice for the Year . . . . .	19 50	
	2 65	Miscellaneous. . . . .	1 98	
	10 00	Grant in aid of Circuit Guide. . . . .	10 00	
	400 00	Portrait of Sir William Mulock. . . . .		
			532 32	
		Less casual balance from Law Costs		
		Account. . . . .	3 88	
	926 45			528 44
\$ 50,122 54				\$58,175 65

Audited and found correct.

W. H. Cross, Auditor.

TORONTO, 15th February, 1910.







## LAW SOCIETY OF UPPER CANADA.

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*To the Benchers in Convocation:*

The Library Committee beg leave to report as follows:—

Your Committee submit herewith the Librarian's Report for the year 1909, and recommend that the same be printed and distributed with the next number of the Ontario Law Reports.

February 10, 1910.

GEO. F. SHEPLEY,  
*Chairman.*

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THE LIBRARY, OSGOODE HALL,  
TORONTO, February 3, 1910.

*To the Chairman and Members of the Library Committee  
of the Law Society of Upper Canada:*

The Librarian begs to submit his report for the year 1909, as follows:—

The expenditure for Library purposes during the year was as follows:—

Books and Periodicals.....	\$3,928.92
Binding.....	441.95
Re-binding, Repairs, etc.....	307.35
Stationery and Sundries.....	280.10
Salaries.....	3,632.25
	\$8,590.57

An estimate of the expenditure for the current year accompanies this report.

The number of bound volumes added to the library during the year was 1,169, of which 143 were presented, and 277 taken in as periodicals and subsequently bound. A classified list of the additions and a list of the volumes presented are given herewith. The library contained on December 31st last 39,722 volumes.

For the convenience of those wishing to read in the evenings the library was open 244 evenings, with attendance as follows:—

	Total.	Average.
Barristers.....	1152	4.74
Students.....	1325	5.45
	2477	10.19

In 1908 the attendance for the same number of evenings was 1,125 barristers and 1,119 students.

All of which is respectfully submitted.

W. GEO. EAKINS,  
*Librarian.*

#### EXPENDITURE, 1909.

Books, Periodicals, etc.:—

Books and Pamphlets . . . . .	\$3,136.65
Periodicals. . . . .	708.15
Stamping. . . . .	32.70
Freight, Brokerage, etc. . . . .	51.42
	<hr/>
	\$3,928.92
Binding. . . . .	441.95
Re-binding, Repairs, etc. . . . .	307.35
Stationery and Supplies. . . . .	280.10
Salaries. . . . .	3,632.25
	<hr/>
	\$8,590.57

#### ESTIMATED EXPENDITURE, 1910.

Books, Periodicals, etc.:—

Books and Pamphlets. . . . .	\$3,200.00
Periodicals. . . . .	650.00
Stamping. . . . .	35.00
Freight, Brokerage, etc. . . . .	50.00
	<hr/>
	\$3,935.00
Binding. . . . .	450.00
Re-binding, Repairs, etc. . . . .	300.00
Stationery and Supplies. . . . .	215.00
Salaries. . . . .	3,600.00
	<hr/>
	\$8,500.00

#### ACCESSIONS, 1909.

	Vols.	Cost.
Texts—Canada. . . . .	12	\$ 67.10
United Kingdom . . . . .	49	238.50
United States . . . . .	23	107.08

	Vols.	Cost.
Reports—Canada. . . . .	76	\$ 246.00
United Kingdom . . . . .	80	355.96
Australasia . . . . .	9	139.00
India. . . . .	8	30.00
United States . . . . .	423	1,482.15
Statutes—Canada. . . . .	46	42.00
United Kingdom . . . . .	5	4.37
Australasia. . . . .	3	29.00
United States . . . . .	71	206.12
Digests, Encyclopædias, Indexes. . . . .	79	425.51
Parliamentary. . . . .	141	218.22
Miscellaneous (including periodicals) . . . . .	131	370.04
General Literature . . . . .	13	42.48
	<hr/>	<hr/>
	1,169	\$4,003.53
Volumes purchased . . . . .	749	
Volumes bound for the Library. . . . .	277	
Volumes presented . . . . .	143	
	<hr/>	
	1,169	

## PRESENTATIONS, 1909.

	Vols.
Hon. Sir John Boyd, K.C.M.G.—Inquiry into the Doctrine Concerning Attachments of Contempt, etc. . . . .	1
H. H. Strathy, K.C.—Moore's Digest of International Law. . . . .	8
B. E. Walker, D.C.L., LL.D.—History of Banking in Canada . . . . .	1
American Bar Association—Reports of Annual Meetings, 1907, 1908 . . . . .	3
International Law Association—Report of Budapest Con- ference, 1908 . . . . .	1
Library of Congress—Annual Report, 1908. . . . .	1
New York State Library—Annual Report, etc., 1907. . . . .	4
New York State Library—Testimony before State Committee <i>re</i> Life Insurance Companies. . . . .	10
U.S. Commissioner of Education—Reports. . . . .	4
Nova Scotia Historical Society—Collections, Vols. 12, 13. . . . .	1
Canadian Military Institute—Officers of British Forces in Canada, 1812-15 . . . . .	1

	Vols.
Toronto City Council—Minutes of Proceedings, 1908— Statutes. . . . .	2
Winnipeg City Council—By-laws, 1874-1908. . . . .	10
York County Council—Minutes of Proceedings and By-laws, 1901-5. . . . .	1
Trinity University—Year Book, 1908-9. . . . .	1
Exchequer Court—General Rules and Orders, 1909. . . . .	2
Boston Book Co.—Legal Bibliography, 1903-6. . . . .	1
E. Thompson Co.—Law Notes, 1908-9. . . . .	1
Massachusetts Acts and Resolves, 1909. . . . .	1
Newfoundland Acts, 1909. . . . .	1
Dominion and Provincial Statutes and other Publications. . . .	88

## SPECIAL MEETING OF CONVOCATION.

Held on Friday, the first day of April, 1910, at twelve o'clock noon, convened by the Treasurer, pursuant to Rule No. 12.

FRIDAY, April 1st, 1910.

PRESENT: The Treasurer, and Messrs. McIntyre, McMaster, Harcourt, McFadden, Farewell, Watson, McPherson, Bayly, Masten, Shepley, and Ritchie.

The Minutes of the last meeting of Convocation, held on Friday, the 18th day of February, 1910, were read and approved.

The Secretary reported that Dr. John Hoskin, elected Benchler, has failed to attend the meetings of Convocation for three consecutive Terms, namely, Trinity and Michaelmas Terms, 1909, and Hilary Term, 1910.

Convocation ordered that the report of the Secretary do stand until next term.

Convocation ordered upon the letter of Mr. R. J. MacLennan, the Corresponding Secretary of the Ontario Bar Association, dated 31st March, 1910, being read, that the use of Convocation Hall for the Annual Meeting of the Association to be held on Friday, 8th of April instant, be granted.

The notice to Benchers, issued by the Treasurer on the 22nd of March, 1910, convening this Special Meeting of Convocation to give directions with reference to the office and appointing of Secretary and sub-Treasurer was read, and the Secretary reported that on the 22nd and 23rd days of March, this notice had been mailed to all Benchers both ex-officio and elected.

Convocation then entered upon the consideration of the Secretary's letter of resignation, dated 14th March, 1910.

Convocation ordered that it be referred to a Special Committee consisting of the Treasurer and the Chairmen of the various Standing Committees to consider the resignation tendered by the Secretary and the appointment of a successor together with the subjects of remuneration and clerical assistance, with power to act in the matter of accepting such resignation and appointing a Secretary in succession, and arranging and settling the terms of his engagement including the fixing of his remuneration and furnishing him with clerical assistance.

Convocation then ordered that Mr. Masten, Mr. McPherson and Mr. McMaster be added to the Building Committee appointed by Convocation on the 18th of February last.

Mr. Shepley then, at the request of the Treasurer, referred to the retirement of the Hon. Mr. Justice Osler, from the Bench on the 18th of April instant; and, for the purpose of enabling the members of Convocation as such to attend upon that occasion, he moved that Convocation do now adjourn to meet again on Monday, the 18th of April instant, at the hour of 10.30 o'clock in the forenoon.—Carried and ordered accordingly.

Convocation then rose.

## LAW SOCIETY OF UPPER CANADA.

HILARY TERM. SPECIAL MEETING.

MONDAY, 18th April, 1910.

Present: The Treasurer, Messrs. Bayly, Bicknell, Masten, McFadden, McMaster, McPherson and Watson.

At 11 o'clock members of Convocation proceeded to the Court of Appeal where leave having been accorded by the Chief Justice, the Treasurer addressed the Court on the retirement of Mr. Justice Osler. Chief Justice Sir Charles Moss in acknowledging the tribute paid to the Bench by the Treasurer concurred in all that had been said with reference to Mr. Justice Osler. Mr. Justice Osler acknowledged the compliment paid him by the Bench and profession in fitting words.

The special Committee appointed on 1st April to consider the resignation of the Secretary, Mr. W. A. Cameron, reported that they had accepted the resignation of Mr. Cameron to take effect on 15th April, 1910, and had appointed Mr. Duncan Donald Secretary and sub-Treasurer at a salary of \$2,400 per annum for all his duties as such and in lieu of rooms and allowances, such clerical assistance to be afforded at times of emergency as may be approved by the Treasurer or Finance Committee.

The report was adopted.

Convocation then rose.

EASTER TERM, 1910.

THURSDAY, 19th May, 1910.

Present: The Treasurer and Messrs. Bayly, Bicknell, Farewell, Gibbons, Glenn, Guthrie, Harcourt, Lynch-Staunton, McFadden, McIntyre, McKay, McMaster, McPherson, Nesbitt J. W., Northrup, Ritchie, Smith, Watson, White, and Hon. F. Osler, who took his seat as a Bencher pursuant to statute.

On motion by Mr. Guthrie, seconded by Hon. F. Osler, Sir Æmilius Irving was elected Treasurer for the ensuing year. The Treasurer fittingly acknowledged the honour.

The following were appointed a Committee to strike the Standing Committees for the ensuing year: Messrs. Bicknell, McFadden, McMaster, McPherson, and Watson.

The said Committee reported as follows:—

*Finance.*—Messrs. J. Bicknell, A. Bruce, A. H. Clarke, G. C. Gibbons, F. W. Harcourt, C. A. Masten, W. H. McFadden, A. C. McMaster, W. D. McPherson, Wallace Nesbitt, C. R. Ritchie, G. F. Shepley, G. H. Watson, W. R. White.

*Reporting.*—Messrs. J. Bicknell, D. Guthrie, Z. A. Lash, G. Lynch-Staunton, C. A. Masten, John McIntyre, S. G. McKay, A. C. McMaster, W. D. McPherson, J. W. Nesbitt, C. H. Ritchie, G. F. Shepley, G. H. Watson, Matthew Wilson.

*Library.*—Messrs. A. B. Aylesworth, S. H. Blake, J. E. Farewell, J. M. Glenn, F. W. Harcourt, G. Lynch-Staunton, C. A. Masten, W. B. Northrup, F. Osler, C. H. Ritchie, G. F. Shepley, E. Sydney Smith.

*County Libraries.*—Messrs. R. Bayly, A. Bruce, F. H. Chrysler, J. E. Farewell, J. M. Glenn, D. Guthrie, W. H. McFadden, John McIntyre, S. G. McKay, J. W. Nesbitt, W. B. Northrup, Matthew Wilson.

*Legal Education.*—Messrs. J. Bicknell, J. M. Glenn, D. Guthrie, F. W. Harcourt, Z. A. Lash, G. Lynch-Staunton, C. A. Masten, W. H. McFadden, A. C. McMaster, W. D. McPherson, C. H. Ritchie, G. F. Shepley, G. H. Watson, Matthew Wilson.

*Discipline.*—Messrs. R. Bayly, A. Bruce, J. E. Farewell, J. J. Foy, W. D. Hogg, John Hoskin, W. H. McFadden, S. G. McKay, W. D. McPherson, Wallace Nesbitt, W. B. Northrup, G. F. Shepley, G. H. Watson, W. R. White.

*Journals and Printing.*—Messrs. J. Bicknell, A. Bruce, F. H. Chrysler, A. H. Clarke, G. C. Gibbons, J. M. Glenn, F. W. Harcourt, D. B. MacLennan, A. C. McMaster, W. D. McPherson, E. Sydney Smith, W. R. White.

Mr. W. H. Cross was appointed Auditor for the ensuing year.

Ordered on a report of the Library Committee that the salary of the Assistant Librarian be \$1,200, beginning 1st January, 1910, and that rule 46 be amended accordingly.

Ordered on a report of the Legal Education Committee that Mr. G. M. Clark be appointed Chief Examiner in place of Mr. C. B. Nasmith, resigned, and that the appointment of Mr. John Jennings and T. B. McQueston as temporary Examiners for Easter examinations be confirmed, and that they each be paid the sum of \$150 for their services.

Ordered also that the action of the Committee in advertising for applications for the position of an Examiner be confirmed, and that the Secretary issue a notice for a call to the Bench for Friday, 10th June, for the purpose of electing an Examiner.

Ordered upon a report of the Legal Education Committee that the following gentlemen be allowed their third year examinations:—

J. C. Stewart, C. F. Ritchie, R. W. Hart, L. P. Sherwood, T. H. Stinson, O. H. King, J. I. Grover, A. Flynn, S. W. Field, J. W. Hefferman, W. D. M. Shorey, N. R. Robertson, J. A. Dyke, A. J. McKinley, J. C. Macdonald, T. W. Lawson, R. Dingwall, A. C. T. Lewis, W. G. Anderson, F. J. Ap'John, T. H. Peine, J. O. Begg. That Messrs. C. F. Ritchie and R. W. Hart be allowed this examination with honours, and each receive a silver medal, and that Mr. J. C. Stewart receive a silver medal as a special reward.

Ordered that Messrs. John Craig Stewart, Thomas Hubert Stinson and John Irwin Grover be called to the Bar and receive their certificate of fitness.

These gentlemen were then introduced and called to the Bar.

Convocation decided that as a special mark of respect to His late Majesty King Edward VII., that Convocation do not meet again until 10th June.

Convocation then rose.

FRIDAY, 10th June, 1910.

Present: The Treasurer, Messrs. Bayly, Bicknell, Chrysler, Farewell, Guthrie, Harcourt, Masten, McFadden, McIntyre, McKay, McMaster, McPherson, and Watson.

Convocation proceeded to the election of an Examiner pursuant to a special call to the Bench issued for this date. Mr. John Jennings was elected an Examiner for a term of three years from 1st September, 1910.

Ordered upon a report of the Legal Education Committee that the following gentlemen be allowed their second year examination, the first eight with honours:—

Messrs. G. A. Urquhart, J. Singer and R. P. Stocton (equal), A. Cohen, W. G. Bartlett, G. Cooper, F. W. Wilson, T. G. McHugh, G. T. Goetz, F. J. Hughes, J. M. Macdonell, A. C. McNaughton, E. T. Coatsworth, P. Kerwin, J. A. McNevin, A. V. Wood, J. M. Duff, J. Gilchrist and G. A. Grover and W. L. Carr (equal), T. Moss, N. W. Lyle and W. J. M. Cass and H. J. C. McKenna (equal), R. P. Saunders, H. S. Murton, A. H. Gibson, R. J. Driver, J. Parker and G. C. Valens (equal), C. A. Thomson, E. S. Williams, J. E. Madden, D. A. Cameron, W. J. McLarty, R. P. McBride, N. E. Towers and G. N. Shaver (equal), W. W. Davidson, G. T. Davidson and A. M. Boyd (equal), H. A. Newman, W. B. Waters and E. K. Williams (equal), H. H. Davis, C. W. Livingston, W. Morrison, C. S. Buck, J. Aitchison, J. R. F. Stewart, E. C. Ironside, T. A. Silverthorne, G. G. Paulin and R. Honeyford (equal), J. M. Adam, I. A. Humphries, T. R. Sloan, H. E. Snider, F. G. Mackenzie, W. H. Bourdon, D. A. J. Swanson, V. J. McEldery, G. W. Ballard, W. H. Kirkpatrick, J. J. Hubbard.

That the following gentlemen be allowed their first year examination:—

Messrs. J. M. Langstaff, W. G. Jackson, D. A. McRae, A. E. Day, F. J. Foley, F. C. Carter, W. C. Davidson, A. E. Langman, J. H. Cavell and D. L. Constable (all with honours), G. D. Conant, S. C. Arrell, T. B. Malone, A. L. McGovern, M. A. Miller, E. F. Raney, A. C. Craig, G. E. Newman and S. W. C.

Scott (equal), B. L. Bedford and J. H. Shannon (equal), C. B. Scott, C. V. Langs, W. G. Atkin, M. B. Wormwith, P. G. Kiely, G. R. Kappele, E. G. McMillan, H. R. Valin and C. M. Johnston (equal), M. Nesbitt and M. J. A. Folinsbee (equal), E. F. Singer and W. H. Clipsham (equal), A. M. Garden, H. P. Edge and L. E. Awrey (equal), R. E. Chevrier and J. H. L. Morgan (equal), H. B. Daw, C. L. Fraser, D. W. O'Sullivan, A. Cochrane and W. P. Clement and S. M. Mehr (equal), H. S. Price, J. H. Oldham, T. H. Simpson and G. Keogh and A. B. Collins (equal), W. A. Goetz, H. V. Langton, R. Maclean, J. R. Corkery, J. A. P. Labelle, W. V. Carey, G. F. Rooney, J. O. Robinson, A. B. Turner, E. H. Conway and D. W. Cooper (equal), S. H. Slater and H. W. Bethune (equal), H. E. B. Coyne, M. K. Lennox, A. Granatstein and R. K. Gordon (equal), V. J. Gallen, H. C. Smith.

Rule 108 was by unanimous consent of Convocation amended to read as follows:—

A candidate who shall present a certificate from the Department of Education shewing that he has obtained within four years of his application for admission, the standing necessary for matriculation in Toronto University in the year in which he applies for admission, shall be entitled to admission as a student at law without further examination by the Society on paying the prescribed fee, provided that no part of the examination at which such standing was obtained was written more than four years previous to such application.

Ordered that the following gentlemen be called to the Bar: Charles Forsythe Ritchie, Richmond Wylie Hart, Livius Percy Sherwood, Oscar Herman King, Sem Wissler Field, Norman Roy Robertson, Thomas Wallace Lawson, and that Messrs. Ritchie, Hart, Sherwood and Field receive their certificates of fitness, and that Messrs. King, Robertson, and Lawson do receive their certificates of fitness on completion of their service under articles.

Ordered that paragraphs 1 and 2 of the regulations with reference to the Christopher Robinson Memorial Prize be amended to read as follows:—

1. That a prize to be called the Christopher Robinson Memorial Prize, be established open for competition among the students who have taken honours in any year during their course in the law school.

2. That the prize awarded every year for the best essay, the composition of a number of the graduating class of that year.

Further ordered that the subject for the essay in 1911 be "Ideals of Legal Education in Canada, having regard (*a*) to the general knowledge and culture which a Canadian lawyer ought to possess; (*b*) to the technical training which as a practising lawyer he ought to receive; (*c*) how far does the Law School of Ontario reach either of the above ideals," and that Messrs. Bicknell, Harcourt, and Masten be the Examiners to examine the essays for this year.

Ordered on a report of the Journals and Printing Committee that the seat of Mr. John Hoskin, as an elected Benchler, be declared vacant, and that a call to the Bench be made for 15th September, 1910, to elect a successor.

On a report from the County Libraries Committee, Mr. Duncan Donald was appointed Inspector of County Law Libraries for 1910.

Ordered on a report of the Reporting Committee that the application of Mr. Harman, formerly of the Reporting Staff, for an allowance of one year's salary be refused.

The Discipline Committee was instructed to consider the case of Mr. G. H. Stephenson, and report to Convocation.

The following gentlemen were then introduced and called to the Bar:—Charles Forsythe Ritchie and Richmond Wylie Hart, each with honours and a silver medal, Livius Percy Sherwood, Oscar Herman King, Sem Wessler Field, Norman Roy Robertson, and Thomas Wallace Lawson.

Convocation then rose.

## LAW SOCIETY OF UPPER CANADA

Special meeting of Convocation held on Friday, July 22nd, 1910, at eleven o'clock, convened by the Treasurer pursuant to Rule No. 12.

*Present:* The Treasurer, Messrs. Bruce, Farewell, Harcourt, Masten, McFadden, McMaster, McPherson, and Wilson.

The Minutes of the meeting of June 10th were read and confirmed.

The Secretary then read the letter of Lady Jane VanKoughnet of 4th July as follows, and his reply of 16th July, both of which were ordered to be entered in the Minutes:—

“Bareleigh, Stevenage, July 4th, 1910.

“Dear Sir: It was my late husband Captain VanKoughnet’s wish to apply a sum of £2,000 in founding a scholarship or scholarships in memory of Chancellor VanKoughnet. I had intended to leave the money for that purpose by will, but I now wish the proposal to be carried out at once, and will forward the money as soon as a scheme for its application has been decided upon.

“I therefore would be glad to hear from you, after you have conferred with the authorities of the Law Society, what they have to suggest as to the best mode of carrying out my wishes.

“In 1905 I corresponded with Mr. Albert Nordheimer on the subject, who introduced me to Mr. Walter Barwick. I enclose the correspondence, as it will be of assistance.

“The paragraph I had inserted in my will of 1905 ran thus: ‘I bequeath the sum of two thousand pounds to the Law Society of Upper Canada to establish a scholarship or scholarships the number and amount thereof to be at the discretion of the Benchers or other governing body of the said Society, such scholarships to be entitled “The Chancellor VanKoughnet’s Scholarships,” and to be recorded as granted by my late husband, Captain Edmund Barker VanKoughnet, R.N. C.M.G., and myself as a memorial to my late husband’s father, the Honourable Philip Michael Mathew Scott VanKoughnet, formerly Chancellor of Ontario.’

“Yours faithfully,

“JANE C. E. VANKOUGHNET.

“To the Secretary of the

“Law Society of Upper Canada,

“Toronto.”

The reply as follows:—

“July 16th, 1910.

“THE LADY JANE VANKOUGHNET,

“Bareleigh, Stevenage, Eng.

“Madam: I beg respectfully to acknowledge the receipt of your kind letter of the 4th inst. (with enclosures) offering to the Law Society the gift of £2,000 from your late husband Captain Edmund Barker VanKoughnet and yourself, for the purpose of establishing a scholarship or scholarships as a memorial to the late Honourable Philip M. M. S. VanKoughnet, formerly Chancellor of Upper Canada and later of Ontario.

“I am directed to inform you that the Benchers have called a special meeting of Convocation for Friday next, the 22nd inst., for the purpose of dealing with the subject of your communication.

“I have the honour to be, Madam,

“Your obedient servant,

“W. GEO. EAKINS,

“Acting Sec’y L.S.U.C.”

It was then decided:—

Resolved, that Convocation accept with much gratitude the generous gift to the Law Society of Upper Canada by the Lady Jane VanKoughnet of the sum of Two Thousand Pounds (£2,000) sterling, and that there be recorded in the Minutes of the Society that such sum is donated by her and her late husband, Captain Edmund Barker VanKoughnet, R.N. C.M.G., as a memorial to the Honourable Philip Michael Mathew Scott VanKoughnet, formerly Chancellor of Upper Canada, and father of the late Captain VanKoughnet.

That the said sum be received and applied in founding a scholarship, and that the income of the fund be paid over annually as a scholarship to such member, being in due course, of the Graduating Class of the Law School of the Society, as shall take first place on his or her final examination for call to the Bar of Ontario.

That such scholarship be known as “The Chancellor VanKoughnet Scholarship.”

That Convocation reserve to itself the administration of the fund, and that its administration be not delegated to any committee or trustee.

That the Lady Jane VanKoughnet be informed that payment

to the Law Society of the said sum may be made by depositing it in the National Provincial Bank of England to be transmitted to the Bank of Hamilton, the bankers of the Society.

Convocation then rose.

### TRINITY TERM, 1910.

Thursday, Sept. 15th, 1910.

*Present:* The Treasurer, and Messrs. Bayly, Bicknell, Bruce, Clarke, Guthrie, Harcourt, Lynch-Staunton, McFadden, McIntyre, McMaster, McPherson, Ritchie, Watson, White, Gibbons, and Osler.

The Minutes of the special meeting of Convocation held on Friday, 22nd July, 1910, were read and approved.

Pursuant to the call of the Bench ordered on the 10th June, 1910, Convocation then proceeded to the election of a Benchler to fill the vacancy caused by Mr. John Hoskin's failure to attend the meetings of Convocation. Mr. Frank Egerton Hodgins was then elected Benchler in the place of Mr. John Hoskin.

The Secretary reported that on the 12th September there had been placed to the credit of the Society in the Bank of Hamilton \$9,708.34, being the proceeds of the gift by Lady Jane VanKoughnet of £2,000, and read the following letter from the Lady Jane VanKoughnet:—

“Bareleigh, Stevenage, Sept. 4th, 1910.

“Sir: My bankers, Messrs. Coutts & Co., the Strand, London, will remit the sum of £2,000 to the Law Society of Upper Canada (for the purpose of founding a scholarship in memory of the Hon. Philip Michael Mathew Scott VanKoughnet, Chancellor of Upper Canada, to be known as the Chancellor VanKoughnet Scholarship). The money will be remitted to the Society through the National Provincial Bank of England. I shall ask you, when you have received the money, in addition to the usual banker's receipt given to Messrs. Coutts & Co., to send a formal acknowledgment to my solicitor, W. S. Davis, Esq., solicitor, Tenbury, England.

“I remain,

“Yours faithfully,

“JANE C. E. VANKOUGHNET.

“To W. Geo. Eakins, Esq.”

The Secretary was instructed to acknowledge the letter at once. On motion of Mr. Gibbons, seconded by Mr. Bayly, it was

referred to the Finance Committee to consider the form of investment and to report to Convocation with recommendations as to investment.

Mr. Bicknell, for the Legal Education Committee, reported that Mr. J. B. Hopkins had passed his examination for the first year in the Law School.

The matter of the petition of Mr. Alfred Hall to be re-instated and restored to the rolls, was referred to the Discipline Committee, with power to act and employ counsel.

*Ordered:* That the following gentlemen be called to the Bar: Frank James ApJohn, Anthony Ignatius McKinley, William Dorland McLean Shorey, Allan Collingwood Travers Lewis, Theodore Henry Peine, John Armour Dyke, Roderick Dingwall, William Garnet Anderson, John Cameron Macdonald.

That of the above the following do now receive their certificates of fitness: Frank James ApJohn, William Dorland McLean Shorey, Allan Collingwood Travers Lewis, Theodore Henry Peine, John Armour Dyke, William Garnet Anderson, John Cameron Macdonald.

And that the following receive their certificates of fitness on completion of their service and papers: Anthony Ignatius McKinley, Roderick Dingwall.

That the following gentlemen be admitted as students-at-law as of Hilary Term, 1910:—

**MATRICULANT CLASS:** Howard Morwick, Leon Stanley LeVernois, William Alfred Olmstead, Joseph Nelson Mulholland, Bruce Fitzgerald Fisher, Leonard Charles Jarvis, Richard Alan Olmstead, Sydney Ellis Wedd, James Keith Geddes.

That Mr. Joseph Wearing be admitted as a student-at-law as of Easter Term, 1910, in the Graduate Class.

The petition of Max Herzlich, admitted as student-at-law in Michaelmas, 1905, in the Matriculant Class, but who had only served under articles for seven months when he was compelled to leave the Province, but had been engaged during his absence in the study of law, that his service under articles be allowed as sufficient, was refused. The petitioner, having been two years on the books of the Society, was allowed to attend the next season of the Law School as of his first year.

Convocation then rose.

Friday, Sept. 16th, 1910.

*Present:* The Treasurer, and Messrs. Bayly, Bicknell, Bruce, Clarke, Harcourt, McFadden, McIntyre, McMaster, McPherson, Wallace Nesbitt, Osler, Ritchie, and Watson.

The Minutes of the meeting of Convocation held on the 15th September, 1910, were read and approved.

The following gentlemen were introduced and called to the Bar: Frank James ApJohn, Anthony Ignatius McKinley, William Dorland McLean Shorey, Allan Collingwood Travers Lewis, Theodore Henry Peine, John Armour Dyke, William Garnet Anderson, John Cameron Macdonald.

Mr. Bicknell moved, pursuant to his notice given on the 15th inst., that the following rule be adopted.

1. Rules 103, 104, 110 and 115 are hereby repealed and the following substituted therefor:—

103. For the purposes of the admission of students-at-law on the books of the Society, each term of the Society shall be deemed to commence thirty days prior to the first day of term and to continue and include the thirtieth day next before the commencement of the ensuing term, and the attendance or service under articles during term as herein defined shall be effectual notwithstanding the later date of admission during such term.

104. The Secretary shall immediately after the end of each term, as defined in Rule 103, make out two lists containing the names, additions and family residences of all candidates who have applied for admission as students-at-law during such term, and shall post one of such lists in a conspicuous place in his office and the other in a conspicuous place in Osgoode Hall, and shall keep them so posted for a period of thirty days, and if no objection to the admission be received by the Secretary during such thirty days, the candidates included in such lists, who have complied with the rules and are otherwise qualified, may be admitted by the Legal Education Committee as of the term in which the applications for their admission have been made, but if any such objection has been received, the Committee shall defer action upon the application, and shall report the same and the objection to Convocation.

110. The first day of term as defined in Rule 11 shall be taken to be the admission date of students-at-law who have been reported as admitted during such term,

115. Every candidate for admission shall, at some convenient time during the term in which he seeks admission, deposit with the Secretary at Osgoode Hall his presentation and the amount of fees payable on admission together with his petition for admission, which presentation and petition respectively shall be in the terms and shall contain the information required by the forms B and C contained in the appendix.

2. Rule 111 is hereby repealed.

The rule was read a first time and ordered to be taken into consideration, when read a second time on Friday, the 23rd inst.

The question of the admission of students from other provinces, also of others not members of the Law Society of Upper Canada, to lectures in the Law School, including all incidental questions, was referred to the Legal Education Committee for consideration and report.

Convocation then rose.

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Friday, Sept. 23rd, 1910.

*Present:* The Treasurer, and Messrs. Bruce, Clarke, Gibbons, Harcourt, Hodgins, Lash, Masten, McFadden, McKay, MacLennan, McMaster, McPherson, Ritchie, Watson, Wilson, and Osler.

The Minutes of the meeting of Convocation held on 16th September were read and approved.

The results of the Supplemental Examinations held in September, 1910, were reported as follows:—

FIRST YEAR.—The following have been allowed their examinations: Boutet, B.; Brown, M. E.; Burroughes, C. R.; Campbell, J. A.; Cowan, John, Jr.; Deutchman, F. W.; Dewar, A. M.; Fleishman, A. H.; Goodwin, W. J.; Harris, H. K.; Herridge, W. D.; Lancaster, E. H.; Macbeth, C. M.; Macklin, H. C.; Mills, S. S.; McCarthy, W.; O'Rourke, H. L.; Smith, R.; Scott, C. M.; Widdifield, C. W.

The examination of J. A. Ward was not allowed.

SECOND YEAR.—The following have been allowed their examinations: Ebbs, J. P.; Edmunds, F. B.; Junor, R. A.; Singer, A.; Newman, G. E.; Sutherland, C. B.

THIRD YEAR.—Alexander, R. E.; Archibald, G. A.; Fitzgerald, S. M.; McMahan, G. S.; Nesbitt, R.; Reilly, F.; Wray, T. R. J.

*Ordered:* That Goldwin Starr McMahan, Roy Edgar Alexander,

and Sidney Mortimer Fitzgerald be called to the Bar and receive their certificates of fitness.

The petition of Garnet Aikens Archibald, who had been admitted to the Society in Trinity Term, 1906, as a graduate, but who had not, at that time, completed his University course, asking that his service under articles and as a student-at-law be allowed as sufficient and that he be called to the Bar and admitted as a solicitor during this Term, was refused.

Mr. McPherson, for the Legal Education Committee, reported, with reference to the applications of certain members of the Law Society of Manitoba and of Alberta, to attend the lectures in the Law School, that, considering the provisions of the Act respecting the Law Society of Upper Canada, the Society not being authorized to maintain a Law School for the education of persons not members of the Society, these applications be refused.

Mr. Lash moved, in amendment duly seconded, that the applications be granted.

Mr. Watson moved, duly seconded, that the report of the Committee be referred back on the special subject of fixing conditions and terms granting relief to the petitioners during the ensuing session, with power to act.

The amendment to the amendment was lost on division.

Mr. Watson received permission to submit the following amendment to the amendment:—

That without at present affirming or dis-affirming the report of the Committee on the question of jurisdiction, the petitions of the present applicants be granted.

The amendment to the amendment was carried.

The Rule introduced by Mr. Bicknell on Sept. 16th, amending Rules 103, 104, 115, and repealing Rule 111, was read a second time and a third time and carried.

The following gentlemen were then introduced and called to the Bar: G. S. McMahon, Roy Edgar Alexander, Sidney Mortimer Fitzgerald, and Roderick Dingwall.

Mr. Bruce, for the Discipline Committee, presented the following report:—

Re Alfred Hall: The Discipline Committee to whom was referred the consideration of the matter of the petition of Alfred Hall to be restored to practice as a barrister and solicitor, recommends that

Mr. Hamilton Cassels, K.C., be retained to represent the Society in such matter.

Re George H. Stephenson: The Committee reported that George H. Stephenson, a member of this Society, was convicted of felony and sentenced to imprisonment in the Central Prison for four months, and finds that a *primâ facie* case of professional misconduct and conduct unbecoming a barrister and solicitor has been made out, and submitted also the certificate of the Clerk of the Peace for the County of York.

The report was adopted.

Mr. Watson gave notice that at the next meeting of Convocation a motion will be made for the withdrawal of the Curriculum of the Law Society heretofore issued, and for the direction and issue of a new Curriculum having regard to the question of jurisdiction of the Society under its Act of incorporation and amending Acts.

Convocation then rose.

## LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM.

THURSDAY, November 24th, 1910.

*Present:* The Treasurer, Messrs. Bayly, Bicknell, Bruce, Farewell, Glenn, Guthrie, Harcourt, Hodgins, Hogg, McFadden, McIntyre, McKay, McMaster, McPherson, Nesbitt, J. W. Ritchie, Watson and Osler.

The Minutes of Meeting of 23rd September, 1910, were read and approved.

Mr. T. B. McQuesten was elected an Examiner for a period of four years from the present term.

A letter from Mr. Nicol Kingsmill, K.C., dated 17th October, 1910, was read, parts of which are as follows:—

“Toronto, October 17th, 1910.

“*Dear Sir Æmilius,*—

“I am sending you by to-day’s post a copy ‘The Life of Sir John Beverley Robinson.’—The author of the book is Major-General C. W. Robinson—and I have had correspondence and also some talks with him in reference to the work.

“The work was in the hands of Morang, and at one time was to form one of the volumes of the founders of Canada or some such name—the volumes were for sale at \$3.50 a volume.

“A number of copies are left over and in discussing the matter with General Robinson, I suggested that the Law Society of Ontario might take them with the view of using some of them as prizes and some of them for County Law Society Library.

“General Robinson would like the volumes to be made use of in that way and for the purpose would present them to the Law Society, but does not want the Law Society to be at any expense in reference to them so that he will have the unbound volumes bound.

“There are on hand altogether over two hundred copies.

“Yours very faithfully,

“NICOL KINGSMILL.”

Mr. Watson moved, duly seconded, that General Robinson's handsome offer be accepted and that Convocation hereby expresses its warm appreciation and gratitude for the valuable donation.

It was then ordered that if the volumes are not already bound Convocation will be pleased to accept them unbound, unless a preference exists on the part of the donor that they should be given in binding.

Mr. Watson, from the Finance Committee, with reference to the investment of the Chancellor VanKoughnet Scholarship Fund, reported as follows:—

“The Finance Committee beg to report that it has considered the matter of the investment of the fund donated by the Lady Jane VanKoughnet as directed by Convocation, and your Committee is of the opinion that the fund should be invested in Ontario Government securities and so recommend.

“GEO. H. WATSON,

4th Oct., 1910.

“*Chairman.*”

The report was adopted.

On motion of Mr. Bruce, it was ordered:—

1. That the Finance Committee invest the amount of the Lady Jane VanKoughnet gift in Ontario Government stock.
2. That the Finance Committee do apply of the funds of the Law Society sufficient to make up the purchase of the said stock to the amount of \$10,000 of principal thereof.
3. That in terms of the resolution of Convocation of July 22, 1910, there be paid the sum of \$400, the difference between the said sum and the actual amount of interest at the credit of the Lady Jane VanKoughnet gift to be paid out of the funds of the Law Society on 1st June, 1911.

On a report of the Reporting Committee, it was ordered that the tender of the Canada Law Book Company, Limited, for the printing and distribution of the Ontario Law Reports at \$1.05 per page and the Ontario Weekly Notes at \$1.50 per page, be accepted and that a contract to cover a period of five years be prepared by Mr. R. S. Cassels.

Mr. Bruce, for the Discipline Committee, reported verbally the result of Mr. Alfred Hall's application to the Court to be reinstated. The following letter from Mr. Hall's solicitor was also read:—

“Toronto, Nov. 19th, 1910.

“The Discipline Committee of the  
 “Benchers of the Law Society of  
 “Upper Canada, Toronto.

“*Re Alfred Hall.*

“*Dear Sirs,—*

“I am acting for Mr. Hall in an application which he made to the Court under the Solicitors' Act for reinstatement on the roll of solicitors, and I enclose you a copy of the notes made by the Court Reporter of the remarks made by the Hon. Mr. Justice Teetzel when he postponed the hearing of the petition *sine die*.

“I beg respectfully to make application that Mr. Hall, his witnesses and counsel be given an appointment, to be heard before the Committee.

“Yours truly,

“W. C. MACKAY.”

Convocation ordered that the Secretary be directed to reply thereto, pointing out that any application by Mr. Hall to Convocation to reconsider its action in the complaint of McDougall & McNairn Hall against him or to permit him to withdraw his admission made therein or in any other way to open up the matter must be by petition to the Benchers in Convocation in the ordinary way through the Secretary of the Society.

The Report of the Inspector of County Libraries for 1910, was presented and it was ordered that it be printed in the proceedings of Convocation and distributed in the usual way.

On a motion by Mr. Watson, of which notice was duly given, it was ordered:—

That the present curriculum be amended by striking out from the third to the tenth line inclusive on page 7 thereof as unauthorized, and that any of the curricula now in existence have these lines struck out and that hereafter no curriculum be issued without being submitted to and approved by Convocation.

Convocation then rose.

FRIDAY, NOV. 25TH, 1910.

*Present:* The Treasurer, Messrs. Bayly, Bicknell, Bruce, Harcourt, Hodgins, Lash, McFadden, McIntyre, McPherson, Ritchie, Watson and Osler.

The Minutes of the Meeting of 24th November, 1910, were read and approved.

Rule 28 of the Rules of the Law Society was amended so that the number of members of the Library and Discipline Committees should be thirteen and fifteen respectively, in addition to the Treasurer.

Mr. Hodgins was elected a member of the Library and Discipline Committees.

The following letter from Sir John Boyd, Chancellor, President of the High Court of Justice, with reference to the report of the Journals and Printing Committee on the question of increased counsel fees in County Court cases, was read:—

“*Dear Sir,*—

“I regret that your letter of 14th June has remained so long unacknowledged. I read it over and supposed some further communication was coming and then vacation intervened and it only caught my eye lately.

“I have spoken to a good many of the Judges and they agree that it would be more appropriate for the initiative to be taken by the County Court Judges under 10 Edw. VII. ch. 30, sec. 47. By inference from the Judicature Act the High Court Judges may take steps as to the County Court tariff on account of the increase of the jurisdiction of that Court, still the more direct seems to be that indicated in the late statute.

“Yours truly,

“J. A. BOYD.”

“24th Nov., 1910.

“Duncan Donald,

“Sec. Law Society.”

The matter was referred to the Committee on Journals and Printing with a view to communicate with the Board of County Court Judges and forward to it the views of the President of the High Court.

On a report of the Library Committee, with reference to the necessity of replacing the electric wiring in the library it was ordered—

That the Library Committee do continue the negotiations for re-wiring and whatever may be necessary to ensure safety with all proper despatch and with the co-operation of the Ontario Government as far as may be deemed prudent and advisable and in their action to include whatever may be necessary in the Society's building and which may require renewal.

The following students were admitted as of Easter Term, 1910:—

*Graduate Class.*

Murray Gordon.	Charles Garfield French.
Edmund Francis Byrnes.	Norman Dunbar Tytler.
Geoffrey Walter Adams.	Felix Louis Coté.
William Henry Ford.	Robert Ramsay Evans.
Percy Dixon Wilson.	James Davis Beasley.
George Reginald Forneret.	Arthur Lyman Fleming.
William Proudfoot, Jr.	Francis Edward Higgerty.
Alan Gilmour.	Norman Scarth Macdonnell.
Henry Edward Grosch.	Norman Stuart Cauldwell.
Elmore Harris Senior.	Norman Alexander McLarty.
Ambrose Bell Moffatt.	Frederick Cecil Gullen.

*Matriculant Class.*

Fred Coverdale Richardson.	James Morgan Riddell.
Albert H. Boddy.	Maxwell Clive Purvis.
Charles Bowman.	Leo Rogers.
Stanley Moore Phoenix.	Karl Wager Lewis.
Arga Clair Casselman.	James Fordyce Strickland.

The following students were admitted as of Trinity Term, 1910:—

*Graduate Class.*

Robert Walter Rogerson Sherar.	George McClive Willoughby.
Norman Loree Croome.	Albert Leo Brady.
William Kaspar Fraser.	Charles Samuel McGaughey.
Jeffrey Harper Bull.	John Hay McDonald.
William John Shortreed.	Joseph James Greenan.
Donald Alexander Macdonald.	Miss Jean Cairns.
Ephriam Sugarman.	Alan Collingwood Bell.
William Hamilton Cook.	Winfield Burroughes Sifton.

*Matriculant Class.*

Gerald Morphy Malone.	Kenneth Arnold Mahaffy.
Samuel Factor.	William Adam Irving.
Edward Allan Hay.	Leonard John Sievert.
William Roy Willard.	Willard F. Greig.
Wilfred Maynard Cox.	Norman Retallack.
Robert Stanislaus McCormick.	Alexander Kennedy Cowper.
Percy Edwin Frederick Smiley.	Maurice Edward Mulhern.
Hugh Anthony O'Donnell.	William Douglass Bell.
George Clemmes Ellis.	James Oscar Buckley.
Robert Alexander Patchell.	Charles Alfred Payne.
John Harris Best.	

Ordered on a report of the Legal Education Committee that the following gentlemen be called to the Bar and receive their certificates of fitness:—

Frederick Rielly, Jeremiah Wilfred Heffernan, James Oswald Begg, Arthur Russell Nesbitt.

Ordered, that Percy Algernon Lynch be called to the Bar on Friday, 9th December, and that he receive his certificate of fitness on completion of his service under articles.

On a report of the Legal Education Committee the petition of Russell Treleaven, asking that his qualification for entrance be allowed as sufficient, was granted.

On a report of the Legal Education Committee, the petition of Waldron Lawr, asking that his qualification for entrance be allowed as sufficient, was granted.

On a report of the Legal Education Committee in the case of H. Jaldemar Ostlund, a member of the Law Society of Alberta, attending the Law School, it was ordered that a certificate be issued by the Secretary to the Law Society of Alberta, shewing Mr. Ostlund's attendance during the years 1908-9 and 1909-10 and that he had obtained pass standing in the examinations held in those years.

It was further ordered that the question of policy applicable in cases similar to Mr. Ostlund's be referred to the Legal Education Committee for a report.

On a report of the Legal Education Committee in the case of certain members of the Law Society of Alberta at present attending the Law School, it was ordered—

That the Law Society of Alberta having certified to this Society the standing of Walter Donald Gow, William Correll Pollard, Wilson McCarty and Hector Hugh Gilchrist in that Society that their attendance at the Law School during the present term be allowed and that the attendance of such of them as have attended the Law School in former years be recognized and allowed as also the standing obtained by them in the examinations in which they have written.

Mr. Bicknell, from the Legal Education Committee, presented the report of the Principal of the Law School, dated May 3rd, 1910, as follows:—

“The Law School, 3 May, 1910.

“1. I submit herewith my annual report for the term 1909-1910.

“2. The number of students registered during the term was as follows:—

“Third year, 33; Second year, 75; First year, 94; total, 202.

“3. In Schedule A. hereto will be found the names of those students who have duly attended the lectures.

“4. In Schedule B. I have set out the names of those who owing to illness or other good cause, failed to attend the required number of lectures.

“5. The discipline and attendance during the term have been excellent.

“6. The total number of lectures delivered during the sessions has been as follows:—

The Principal .....	225
E. D. Armour, K.C. ....	93
J. King, K.C. ....	80
McG. Young, K.C. ....	102
J. D. Falconbridge .....	97

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Total .....

597

“7. In addition to the regular lectures, special lectures have been delivered as shewn in the schedule hereto annexed. My

thanks are due to these special lecturers for their kind assistance. Mr. W. H. Blake, K.C., was, much to my regret, prevented from giving his promised lecture.

“8. I recommend that Mr. E. R. C. Chevrier be appointed senior student librarian for the term of 1910-11.

“N. W. HOYLES.”

SCHEDULE OF SPECIAL LECTURES DELIVERED ON THE FOLLOWING  
FRIDAYS IN A.D. 1910.

*Morning Lectures, 9.00 a.m.*

- Jan. 7th.—MUNICIPAL BY-LAWS.—W. E. Middleton, Esq., K.C.  
 “ 14th.—MUNICIPAL BY-LAWS.—W. E. Middleton, Esq., K.C.  
 “ 21st.—THE BUSINESS SIDE OF LAW.—John H. Moss, Esq.,  
 K.C.  
 “ 28th.—THE JOINT STOCK COMPANIES ACTS.—C. A. Masten,  
 Esq., K.C.  
 Feb. 4th.—THE JOINT STOCK COMPANIES ACTS.—C. A. Masten,  
 Esq., K.C.  
 “ 11th.—CERTIORARI AND PROHIBITION.—W. H. Blake, Esq.,  
 K.C.  
 “ 18th.—PREPARATION FOR TRIAL.—N. W. Rowell, Esq., K.C.

*Attendance at these Lectures is voluntary.*

*Afternoon Lectures, 4.30 p.m.*

- Jan. 7th.—THE MUNICIPAL ACT.—The Hon. Sir Charles Moss,  
 LL.D., Chief Justice of Ontario.  
 “ 14th.—THE MUNICIPAL ACT.—The Hon. Sir Charles Moss,  
 LL.D., Chief Justice of Ontario.  
 “ 21st.—PRACTICAL SUGGESTIONS FOR SOLICITORS.—Hamilton  
 Cassels, Esq., K.C.  
 “ 28th.—THE BANKING SYSTEM OF CANADA.—Z. A. Lash,  
 Esq., K.C.  
 Feb. 4th.—DUTIES OF MUNICIPALITIES IN REGARD TO HIGHWAYS.  
 —His Honour Judge Denton, LL.B., Judge of  
 the County Court of the County of York.

Feb. 11th.—DUTIES OF MUNICIPALITIES IN REGARD TO HIGHWAYS.

—His Honour Judge Denton, LL.B., Judge of  
the County Court of the County of York.

“ 18th.—DUTIES OF MUNICIPALITIES IN REGARD TO HIGHWAYS.

—His Honour Judge Denton, LL.B., Judge of  
the County Court of the County of York.

Mar. 11th.—LEGAL ETHICS.—The Hon. Mr. Justice Riddell,  
Court of King's Bench.

*Attendance at these Lectures is obligatory.*

N. W. HOYLES,

Dated, 30th December, 1909.

*Principal.*

Mr. James Bicknell was reappointed as representative of the Society on the Senate of the University of Toronto.

In accordance with notice of motion given, it was ordered that the appointment of Mr. John Jennings as Examiner be for four years from the 1st September, 1910, instead of three years as in the Minutes of 10th June, 1910, recorded.

In accordance with the notice of motion given Mr. N. D. McLean was elected an Examiner for one year from Michaelmas Term, 1910, at a salary of \$400.

The following gentlemen were called to the Bar:—

Frederick Rielly, Jeremiah Wilfred Heffernan, James Oswald Begg, Arthur Russell Nesbitt.

Convocation then rose.

MICHAELMAS TERM, 1910.

FRIDAY, DEC. 9TH.

*Present:* The Treasurer, Messrs. Bicknell, Bruce, Chrysler, Farewell, Harcourt, Hodgins, Lash, Lynch-Staunton, McFadden, McKay, McMaster, Wallace Nesbitt, Northrup, Ritchie, Watson, White and Osler.

The Minutes of Meeting of 25th November were read and approved.

Mr. Percy Algernon Lynch was introduced and called to the Bar.

The Secretary read the petition of Alfred Hall for leave to withdraw his admission made during the investigation of the complaint of Messrs. McDougall and McNairn Hall and for other relief.

Mr. Bruce seconded by Mr. Watson moved:—

That the said petition of Alfred Hall dated 29th November, 1910, be referred to the Discipline Committee for consideration and report, with power to such Committee to make investigation and enquiry into such facts and circumstances as the Committee may think necessary to their report upon said petition and with power to employ Mr. Hamilton Cassels as counsel for that purpose. Ordered accordingly.

The following letter from Mr. Nicol Kingsmill was read:—

“19 Wellington Street W.,  
“TORONTO, DEC. 6TH, 1910.

“Dear Sir,—

“I beg to acknowledge with thanks your favour of the 5th instant enclosing a resolution in reference to the offer of General Robinson to present the Law Society with the volumes in hand of the Life of the late Sir John Beverley Robinson, Chief Justice.

“Yours truly,

“NICOL KINGSMILL.”

“The Secretary,

“The Law Society of Upper Canada,

“Osgoode Hall, Toronto.”

Mr. Osler, for the Library Committee, presented the following report *re* electric wiring and a supplementary report on temporary lighting in the Library.

The Library Committee beg to report as follows:—

The defective condition of the wiring of the electric lighting system in the library and some of the adjoining rooms and halls and the inefficiency of the system having been brought to the attention of your Committee, they recently employed an electrical expert to examine and report upon the same. This report states, among other things, that the system is old and out of date, and that the installation ‘in its present condition is unsafe and liable to cause fire at any time,’ and it recommends

that the library be rewired in a modern and up-to-date manner to comply with the regulations of the Canadian Fire Underwriters' Association.

Your Committee have also had laid before them a letter to the Secretary of the Society from the Chief Electrical Inspector of the Underwriters' Association, directing attention to the defective condition of the wiring and stating that the defects, if not remedied, will necessitate a considerable increase in the rate of insurance on the building.

Your Committee have procured from a firm of electrical engineers and contractors an estimate of the cost of rewiring the system and making provision for more effective lighting in the main library and other rooms. This estimate is submitted herewith. In presenting it the firm says that its expert "after careful investigation of the conditions at present prevailing has come to the conclusion that it would be extremely unwise of you to continue using your present system" and that "until the new system is installed the current should be cut off from the building." On the 3rd inst. this was done and the Library being without artificial light has since been kept closed in the evenings.

#### *Temporary lighting in Library.*

The Gas Company will put in light similar to those installed in the Law School Lecture Rooms at a rental of \$1 per month per lamp.

Should it be thought desirable to continue these lamps, a yearly contract would be made at a rental of 25 cents per lamp and the \$1 per month paid as above would be allowed on the yearly contract.

This arrangement for temporary lighting seems preferable to the suggested temporary wiring and would cost much less, but it could not be applied to the western annex, which is not piped for gas.

Mr. Osler moved, duly seconded, that the report be adopted, and that the matter be referred to the Committee for action, with power to close a contract for both permanent and temporary lighting of the library and other parts of the Society's building. Ordered accordingly.

Mr. Bicknell pursuant to notice moved that the following be the regulations with reference to the Christopher Robinson Memorial Prize:—

1. That a prize to be called the Christopher Robinson Memorial Prize be established, open to competition among the students who have taken honours in any year during their course in the Law School.

2. That the prize be awarded every year to that member of the graduating class of that year who being in due course, shall take first place on the examination for the third year next after the winner of the Chancellor VanKoughnet Scholarship.

3. The amount of the prize shall be one hundred dollars, of which forty dollars shall be in books, stamped with the arms of the Law Society and the words "The Christopher Robinson Memorial Prize."

4. The names of the successful prizeman shall be entered in the Curriculum of the Law School under the heading "The Christopher Robinson Prizemen," and their names shall be placed on a suitable board or tablet in the Phillips Stewart Library.

Subject to the advice of Mr. Hamilton Cassels, K.C., as counsel, as to the power of Convocation to make the changes in the regulations under the deed of gift, the motion was carried and it was ordered accordingly.

Motion by Mr. McMaster, duly seconded:—

That Convocation authorize the Reporting Committee to enter into a contract for the publication of a five years digest on such terms as the Committee may think proper and that in the opinion of Convocation such a digest should contain the decisions of all Courts included in the 1901-1905 Digest of Canadian Case Law and also all Canadian Privy Council cases. Ordered accordingly.

The Examiners appointed by Convocation for the Christopher Robinson Memorial Prize recommended that the prize for the year 1909-10 be awarded to Mr. R. W. Hart. Ordered accordingly.

Convocation then rose.

## LAW SOCIETY OF UPPER CANADA.

### REPORT OF INSPECTOR OF COUNTY LIBRARIES FOR 1910.

TO THE TREASURER AND BENCHERS OF THE LAW  
SOCIETY OF UPPER CANADA.

*Gentlemen:—*

Pursuant to your instructions and in accordance with the Rules of the Society, I have inspected the County Law Libraries, except that at Kenora and beg to report as follows:—

With very few exceptions the condition of the libraries is very satisfactory, and though my suggestions are slow to be adopted, a general improvement is, I think, being made. There are difficulties to be overcome in all cases, but in some cases they are greater than in others and it is in these cases that greater care and attention is required. If the library is far from the offices so as to make it little used except on Chamber or Court day there is more necessity for the Association to make every effort to keep it up-to-date and absolutely necessary to the practitioners. The most satisfactory way to do this, is by the annotation of the Reports and Statutes. Another library has been added this year to the list of those doing this and the result is the same as I have always found and reported—more interest in the Association and its work, because value is being given for the money paid in by the members and much valuable time is saved. I am satisfied that this can be done in practically every case. It requires some trouble to find the person to do it and to make a start, but once begun no Association would think of discontinuing it. Even if it means that less money is available for books, it should be done, for there is no text-book or report which survives the constant change. If those libraries which are paying out large sums of money for expensive and little-used encyclopedias would add to their reports and keep them up-to-date by annotation, the profession would be better served. The publishers of these encyclopedias find it necessary

to supplement their own publications quite frequently at further expense. These supplements only come, however, long after the changes have occurred, and are unsatisfactory as they only contain references to the former work, whereas by a system of annotation as the parts of the reports come in, the members would have the actual report itself brought up-to-date and the confidence this gives. Even if the annotations are made from the list of overruled cases published in the yearly digest, which it is possible for all the libraries to have done, as it may be performed by one requiring very little experience, it would be a great advantage.

In some cases, I think better care should be exercised in the purchase of books. Several of the Associations have subscribed and are paying for encyclopedias, dealing with law, pleading, practice and procedure and not content with one, have two or three. This medium of research cannot be the best for even a small library. The articles have not the standing of recognized text-books and cases are apparently cited more for the purpose of multiplying citations than for any direct bearing many of these have on the point under consideration. It answers in a few cases, but usually only for a starting point. Recourse has to be had in the end to the Reports themselves, and if they are not in the library, the reader is not very much advanced. There is no good end served by a small library struggling along, paying for two or three and in one case four of these expensive and voluminous works. Their presence and the constant calls on the Association's finances keep out of the library books of reference which would meet the want more fully and give better satisfaction.

Without active attention on the part of some officer of the Association, be it the President, Secretary, Curator or other officer, there is little chance of the library being anything more than a mere collection of books. This is all, I am sorry to say, two or three of the libraries have become. The maintenance of the library is of such great importance not only to the local profession but to the whole body of practitioners that no one

should undertake the duties of an officer of an Association, who is not prepared to fill it. There is always some one who will do it, if he is sought out, and it is only a case of careful selection. The building up of the local library should be a matter of pride to any one. In many cases where the outlook appeared hopeless the difficulty has been met and it can be met in all cases. In some cases an outsider has been employed as secretary as well as librarian and it has been found to answer very well.

Untidiness in a library cannot but militate against its usefulness and in some cases the libraries have been very untidy. Allowance has of course to be made for the fact that my inspection took place during vacation when the secretary was probably away and the windows being open, dust accumulated rapidly.

Even where a permanent librarian is employed, it is not possible to overcome the nuisance caused by the book-borrower. Rules against the practice are more observed in the breach than in the performance. It would be as well to recognize the evil and take the best means of offsetting it. In many cases there is no register provided for the entry of such books. Even where there is a stringent rule against this, there should be a desk at the door with a register, well bound, that will stand much handling and a large notice requiring the entry of all books, taken out. If what should be done is made easy to do, there is more chance of its being done.

I would remind all Associations again of the necessity of making the library premises attractive. The County Council is bound to provide accommodation and furniture suitable for the purpose. Where they are parsimonious and immovable an expenditure of very little of the Association's funds would make a vast improvement and tend to increase the interest in the Association. In many cases the Associations are too small in their outlook and when getting book-shelves or stacks, do not get sufficient. This means practically a standing application to the Council and continual crowding of books and re-arrangement of them. If they would look forward for a few years they

can ascertain what shelf-room will likely be required. An arrangement which will do for years instead of months could then be made, much to the comfort and satisfaction of the readers and the librarian.

The question of catalogues is receiving more attention. The necessity of these is not so much for the purpose of seeing what is in the library, for that can be ascertained on sight in most cases but for checking over the contents on change of officers, or in case of damage by fire. It should be in a well-bound book so that it will not have to be continually re-copied. A part of the book can be used for a daily accession book, shewing the receipt of all books, price, publisher and vendor. This is a great assistance in making up reports and statements. Too many of the present catalogues are temporary and too easily damaged or lost.

The Association at Belleville has now possibly the best accommodation, as far as a room goes, of any Association, and there is no reason why this library should not become one of the most up-to-date and satisfactory. The Association has now no drawbacks to contend with and should make up for the years lost in which little has been done. Any difficulties rest with themselves to overcome.

In some cases the Associations are indebted to members of the profession for the use of their libraries or part of them. In all such cases a separate list should be kept of these books and they should be indicated in the catalogues as loaned.

In only a few cases is there anything special to report with reference to the individual libraries, but I append a short statement as to each, though it appears but a repetition of my former reports.

All of which is respectfully submitted,

DUNCAN DONALD,

Toronto, Oct. 5, 1910.

*Inspector.*

## PROCEEDINGS OF THE LAW SOCIETY OF UPPER CANADA

## STATEMENT

OF

## RECEIPTS AND EXPENDITURE

OF THE

## LAW SOCIETY

FOR THE YEAR ENDING 31st DECEMBER, 1910.

*(Pursuant to R.S.O. Chapter 172, Section 53.)*

The figures on the left are the corresponding items for the year 1909.

## RECEIPTS.

1909		1910
	SOLICITORS' CERTIFICATES:	
	Paid after the beginning of the year,	
\$ 3,750 00	but due the Michaelmas previous....\$	3,660 00
476 00	Fines collected .....	303 00
	Fees and fines in arrear prior to the	
258 00	preceding Michaelmas .....	64 00
	Due in Michaelmas of the current year	
21,135 00	and paid .....	22,605 00
\$25,619 00		\$26,632 00
	BARRISTERS' ANNUAL FEES:	
	Paid after the beginning of the year, but	
514 00	due the Michaelmas previous.....	522 00
	In arrear prior to Michaelmas of the	
374 00	preceding year .....	130 00
	Due in Michaelmas of the current year	
2,802 00	and paid .....	2,996 00
3,690 00		3,648 00
152 00	NOTICE FEES .....	141 00
4,950 00	STUDENTS' ADMISSION FEES .....	5,400 00
85 00	FEES ON PETITIONS AND DIPLOMAS.....	63 00
19,925 00	LAW SCHOOL TUITION FEES .....	27,250 00
2,835 00	SOLICITORS' EXAMINATION FEES .....	2,185 00
	CALL FEES UNDER 57 VICT. CH. 44 AND	
800 00	OTHER CASES .....	
4,875 00	CALL FEES IN ORDINARY CASES .....	3,335 00
\$62,931 00	Carried forward .....	\$68,654 00

LAW SOCIETY OF UPPER CANADA.

1909		1910
\$62,931 00	Brought forward .....	\$68,654 00
COUNTY LIBRARY LOANS RETURNED:—		
\$ 50 00	Essex. ....	\$ 50 00
45 00	Hastings .....	15 00
45 00	Kent. ....	
35 00	Lambton .....	35 00
52 50	Leeds and Grenville .....	
50 00	Lindsay .....	
33 50	Oxford. ....	33 50
	Stormont, Dundas and Glengarry (2	
30 00	instalments, 1910) .....	60 00
33 50	Welland .....	
374 50	-----	193 50
31 09	COMMISSION ON TELEGRAPH MESSAGES...	27 63
3,725 03	INTEREST AND DIVIDENDS .....	4,098 43
40	FINES IN RESPECT OF STUDENTS' LEND-	
	ING LIBRARY .....	
175 00	GRANT FROM ONTARIO GOVERNMENT IN AID	
	OF TELEGRAPH AND TELEPHONE SERVICE	175 00
64 00	SUBSCRIPTIONS FOR STATUTES FOR 1909..	
1,119 00	“ “ “ “ 1910..	6 00
1,183 00	“ “ “ “ 1911..	1,476 00
	-----	1,482 00
\$68,420 02	Grand Total .....	\$74,630 56

EXPENDITURE.

REPORTS:—

\$ 2,785 34	Printing Reports .....	\$ 4,128 93
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SALARIES:—

1,283 30	Editor, January to August, 1909.....	
2,900 00	Reporters, January to August, 1909....	
	Editor, under new contract, September	
2,266 64	to December, 1909 .....	
	Editor, 12 months, 1910.....	6,799 92
\$ 9,235 28	-----	-----

LAW SCHOOL:—

Salaries:—

\$ 5,000 00	Principal .....	\$ 4,999 92
6,000 00	Lecturers (four) .....	6,375 00
1,650 00	Salaries of Examiners .....	1,750 00
210 00	Scrutineers at Examinations.....	262 50
308 85	Printing and Stationery .....	366 05
713 00	Scholarships and Medals .....	777 80
	Supplement to Chancellor VanKough-	
	net Scholarship .....	386 09
	Caretaking, light, heating, furniture,	
800 26	maintenance and repairs .....	2,553 04
\$14,682 11	-----	-----
\$23,917 39	Carried forward .....	\$17,470 40
		\$28,399 25

LAW SOCIETY OF UPPER CANADA.

iii

1909  
\$23,917 39

1910  
\$28,399 25

Brought forward .....

LIBRARY:—

\$ 3,928 92	Books purchased .....	\$ 3,572 46
749 30	Binding. . . . .	720 55
280 10	Maintenance, including Stationery....	364 56
<hr/>		<hr/>
\$ 4,958 32		\$ 4,657 57

Salaries:—

\$2,400 00	Librarian .....	\$2,400 00
1,050 00	Ass't Librarian ....	1,200 00
	Attendance during	
182 25	evenings .....	173 25
	Sundries.....	75 00

3,632 25 ----- 3,848 25

8,590 57 ----- 8,505 82

LAW COSTS:—

	Taxed Costs and Counsel fees .....	19 40
810 10	TELEGRAPH AND TELEPHONE OFFICE.....	851 50

LIGHT, HEATING, WATER, GROUNDS AND INSURANCE:—

	Payment to Ontario Government for	
890 00	Steam Heating .....	890 00
761 33	Lighting. . . . .	456 51
104 02	Heating. . . . .	141 68
42 12	Water. . . . .	51 80
1,943 06	Grounds. . . . .	890 15
603 90	Repairing and Painting Fence .....	
1,827 00	Insurance—3 years .....	
4 40	Insurance on Books at Bindery.....	4 40
	Rent for Safe Deposit Drawer for In-	
8 00	ventories. . . . .	8 00

6,183 83 ----- 2,442 54

ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE.....

516 87 1,607 65

APPROPRIATION ON ACCOUNT OF PROPOSED BUILDING EXPENDITURE .....

3,500 00

Not proceeded with in 1910.

EXPENDITURE IN 1910 ON LIBRARY EXTENSION AS ORDERED BY CONVOCATION.....

10,315 00

---

\$43,518 76

Carried forward .....

---

\$52,141 16

LAW SOCIETY OF UPPER CANADA.

1909  
\$43,518 76

1910  
\$52,141 16

Brought forward .....

COUNTY LIBRARIES AID:—

*Annual Grants.*

\$ 258 67	Brant .....	\$ 243 66	
86 67	Bruce .....	56 67	
620 00	Carleton .....	540 00	
228 78	Elgin .....	241 28	
195 00	Essex .....	240 00	
151 34	Frontenac .....	151 34	
90 33	Grey .....		
582 50	Hamilton .....	542 50	
338 00	Hastings .....	125 00	
208 34	Huron .....	203 34	
	Kenora (3 years, 1910) .....	145 00	
160 00	Kent .....		
141 00	Lambton .....	141 67	
184 67	Leeds and Grenville .....	188 67	
182 50	Lindsay .....	199 77	
527 50	Middlesex .....	512 50	
45 00	Norfolk .....	45 00	
97 00	Ontario .....	87 00	
114 17	Oxford .....	104 17	
99 23	Perth .....	170 00	
169 00	Peterborough .....	176 00	
111 67	Simcoe .....	89 00	
113 33	Stormont (2 years, 1910) .....	241 66	
171 67	Waterloo .....	196 67	
120 00	Welland .....	163 34	
800 00	York .....	800 00	
5,796 37		5,604 24	
225 00	Payment to Inspector .....	225 00	
6,021 37			5,829 24

SECRETARIAT AND CARETAKING:—

1,597 75	Secretary's Salary .....	2,312 50	
1,000 00	Gratuity to retiring Secretary .....		
200 00	Acting Secretary's Allowance .....		
26 00	Acting Secretary's Assistant .....		
100 00	Auditor's Fee .....	100 00	
615 00	Caretaker's Wages .....	600 00	
191 56	General Expenses and Housekeeping ..	167 81	
3,730 31			3,180 31

362 90

PRINTING, ADVERTISING AND STATIONERY.

357 25

SUPREME COURT REPORTS:—

1,913 75	Subscription to Vol. 41, as per contract with the C. L. B. Co. ....		
956 87	Subscription to Vol. 42, as per contract with the C. L. B. Co. (one-half) ...\$	956 88	
	Subscription to Vol. 43, as per contract with the C. L. B. Co. (one-half) ....	921 25	
2,870 62			1,878 13
\$56,503 96	Carried forward .....		\$63,386 09

LAW SOCIETY OF UPPER CANADA

v

1909		1910
\$56,503 96	Brought forward .....	\$63,386 09

STATUTES:—

1,143 25		1,190 15
	Payments made for supply of Ontario and Dominion Statutes to members of the profession subscribing through the Law Society .....	

MISCELLANEOUS:—

\$ 474 25		\$ 497 35
23 59	Term Expenditure .....	80 00
3 00	Postage. ....	3 00
19 50	Rent of Box in Safe Deposit Vaults...	19 50
1 98	Ice for the Year .....	4 68
10 00	Miscellaneous. ....	10 00
	Grant in aid of Circuit Guide .....	
		614 53
532 32		
3 88	Less casual balance from Law Costs Account. ....	
528 44		
\$58,175 65		\$65,190 77

Audited and found correct,

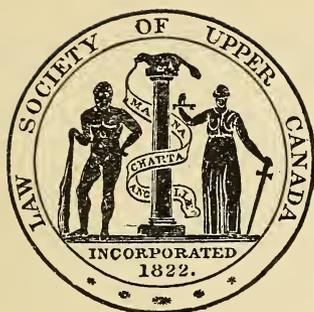
W. H. Cross, Auditor.

Toronto, 6th January, 1911.









# Law Society of Upper Canada

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## LEGAL EDUCATION COMMITTEE.

Z. A. LASH *Chairman.*

JAMES BICKNELL.

JOHN HOSKIN

WALTER CASSELS.

G. LYNCH-STAUNTON.

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W. D. McPHERSON.

D. GUTHRIE.

C. H. RITCHIE.

F. W. HARCOURT.

H. H. STRATHY

G. H. WATSON.

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## PREFACE.

THIS pamphlet is designed to afford necessary information to Students-at-Law, and those intending to become such, in regard to their course of study and examinations. They are, however, also recommended to read carefully in connection herewith the Rules of the Law Society.

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# Curriculum of the Law School

OSGOODE HALL, TORONTO

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THE LAW SCHOOL.

*Principal.*

N. W. HOYLES, B.A., K.C., L.L.D.

*Lecturers:*

E. DOUGLAS ARMOUR, K.C., D.C.L.

A. H. MARSH, B.A., L.L.B., K.C.

JOHN KING, M.A., K.C.,                      MCGREGOR YOUNG, M.A.

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## DIRECTIONS TO STUDENTS

Admission of students to the Law Society of Upper Canada takes place four times a year, namely:

In Hilary Term, commencing first Monday in February, lasting two weeks.

In Easter Term, commencing third Monday in May, lasting three weeks.

In Trinity Term, commencing second Monday in September, lasting two weeks.

In Michaelmas Term, commencing third Monday in November, lasting three weeks.

For the purposes of admission of students each of the above terms is deemed to continue until the day before the commencement of the next ensuing term, but call to the Bar and admission as solicitor takes place only at the times limited.

The applicant for admission must be either:

(1) A graduate in the Faculty of Arts or Law in any University in His Majesty's Dominions empowered to grant such degree.

(2) A graduate of the Royal Military College, Kingston.

In both of the above cases he may be admitted as a student of the Graduate Class and is bound to serve for three years.

(3) A student of any University in the Province of Ontario who shall present a certificate of having passed within four years of his application, an examination in the subjects specified in Schedule A (Appendix), or a certificate of having matriculated in such university within such period of four years.

(4) A candidate who shall present a certificate of having passed within four years of his application, the Junior Matriculation Examination held by the Department of Education.

(5) A cadet of the Royal Military College, Kingston, who has passed within four years of his application, in both the Obligatory and Voluntary examinations held for entrance, and who has also taken the course in the College for one year and passed the examination at the end of the year. This regulation continues in force only so long as the present Curriculum of subjects for entrance and first year work is maintained in the Royal Military College.

In the three last named cases, he is entered as a student of the Matriculant Class and is bound to serve for five years.

No person shall be admitted who is not of the full age of sixteen years.

The applicant must not later than the last day of any of the Terms of the Society above mentioned, cause to be left with the Secretary of the Law Society at his office at Osgoode Hall, his application for admission and the fees (fifty-one dollars). This is permitted and must be done, although the applicant may not at the time have heard the result of the qualifying examination. All forms may be obtained beforehand from the Secretary upon application to him.

As soon as the applicant has heard the result of his examination, and obtains his certificate or diploma, he should send it to the Secretary.

**ARTICLES OF CLERKSHIP**

Every applicant should article himself to a solicitor on forms which will be supplied by the Secretary, and if these articles are entered into some day since the last Term his service will date from such day. Students are informed that their time does not begin to run until they are articulated.

The articles of clerkship should be filed within three months after execution in the Central Office at Osgoode Hall. Students are advised to file them without delay. If not filed within the above period the time of service will only count from the day of filing.

The same rule applies to any assignment of the articles which may be made during the period of service.

No person attending in the chambers of a Barrister, shall, during his term of attendance, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of a student in attendance. And no person bound by articles of clerkship to any Solicitor, shall, during the term of service mentioned in such articles, hold any office of emolument, or engage, or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his partner or partners (if any), and his Toronto agent, with the consent of such Solicitors, in the business, practice, or employment of a Solicitor.

Any student or clerk who has applied for admission to the Society but has not completed such application and who desires in anticipation of his being duly admitted, to attend the Law School in the meantime, may, on satisfying the Secretary that he is duly articulated, pay his fees for Law School tuition, and attend the lectures forthwith.

Students are reminded that they are not entitled to any refund of their fees except in the event of their qualifications being insufficient to secure admission.

**ATTENDANCE AT THE LAW SCHOOL**

This School was established on its present basis by the Law Society of Upper Canada in 1889, under the provisions of rules passed by the Society in the exercise of its statutory powers. It is conducted under the immediate supervision of the Legal Education Committee of the Society, subject to the control of the Benchers of the Society in Convocation assembled.

Its purpose is to secure as far as possible the possession of a thorough legal education by all those who enter upon the practice of the legal profession in the Province. To this end, attendance at the School during three terms or sessions is made compulsory upon all who desire to be admitted to the practice of the Law.

The course in the School is a three years' course. The term or session commences on the last Monday of September, and ends on the last Monday in April, with a vacation commencing on the Saturday before Christmas and ending on the Saturday after New Year's day, and a vacation at Easter commencing on the Thursday before Good Friday, and concluding at the end of the ensuing week.

Admission to the Law Society is ordinarily a condition precedent to attendance at the Law School. Every student-at-Law before being allowed to enter the School must present to the Principal a certificate of the Secretary of the Law Society, shewing that he has been duly admitted upon the books of the Society and that he has paid the prescribed fee for the term.

Students, however, desirous of attending the lectures of the School, but not of qualifying themselves to practice in Ontario, are allowed upon payment of the usual fee to attend the lectures without admission to the Law Society.

Persons desiring to attend special courses at the School may do so on payment of such fees as shall be prescribed by the Legal Education Committee.

The student is required to pass the examinations in the Law School at Osgoode Hall on the subjects prescribed by the Law School Curriculum as set out in Appendix (B). Students who have failed at the examinations for any year are obliged to again attend the lectures for that year.

A graduate is required to take the examinations in the first, second and third years of the course during the first, second and third years respectively of his service. A matriculant must take the examinations in the first year of the course during the third year of his service, and the examinations in the second year of the course during the fourth year of his service, and he must take the examinations in the third year of the course during the fifth year of his service.

The attendance upon one year's course of lectures cannot be commenced until after the examinations of the preceding year have been duly passed; and a student or clerk cannot present himself for the examinations of any year until he has completed his attendance on the lectures of that year. See also page 11 as to the failure at examination.

Moot Courts are held by the students of the second and third years respectively, on such days as may be appointed by the Principal.

They are presided over by the Principal or a Lecturer, who states the case to be argued, and appoints two students on each side to argue it, of which notice is given, and printed copies of the case distributed, one week before the day for argument.

The decision is pronounced at the close of the argument or on some future day.

Two lectures (one hour) daily in each year of the course are delivered on Monday, Tuesday, Wednesday and Thursday of each week.

Printed schedules showing the days and hours of all the lectures are distributed among the students at the commencement of the term.

At each lecture the attendance of students is carefully noted, and a record thereof kept.

At the close of each term, the Principal certifies to the Legal Education Committee the names of those students who appear by the record to have duly attended the lectures of that term. No student is to be certified as having duly attended the lectures, unless he has attended at least five-sixths of the aggregate number of lectures and at least four-fifths of the number of lectures of each series, delivered during the term and pertaining to his year. If any student who has failed to attend the required number of lectures, satisfies the Principal that such failure has been due to illness or other good cause, the Principal makes a special report upon the matter to the Legal Education Committee. The word "lectures" in this connection includes Moot Courts.

During his attendance in the school, the student is recommended and encouraged to devote the time not occupied in attendance upon lectures, in the reading and study of the books and subjects prescribed for or dealt with in the course upon which he is in attendance.

The fee for attendance for each term of the course, is \$100.00, payable in advance to the Sub-Treasurer, who is also the Secretary of the Law Society.

**MAINTENANCE OF DISCIPLINE AND GOOD ORDER  
IN THE LAW SCHOOL**

The following regulations have been made on this subject :—

1. No student or clerk shall be deemed to have duly attended the lectures of the Law School in any term unless his conduct at lectures or in the School shall, upon the whole, have been good; and, if at the end of any term it shall appear to the Principal that the conduct of any student or clerk at lectures or in the School during such term, has not upon the whole been good, he shall not certify to the attendance of such student or clerk, as in the cases of other students or clerks, but shall report to the Legal Education Committee the facts relating to the attendance and to the conduct of such student or clerk to be dealt with by said Committee.

2. In any case of misconduct on the part of any student or clerk in any lecture, the Principal, and each lecturer shall have power to disallow the attendance of such student or clerk at the lecture at which he shall have so misconducted himself, and to mark him absent therefrom upon the roll; and, if by reason of such disallowance, it shall appear at the end of the term that such student or clerk has failed to attend the required proportion of the lectures upon which he was in attendance, the Principal shall report to the Legal Education Committee the fact of the said disallowance and the reasons therefor, to be dealt with by said Committee.

3. In any case of misconduct at lecture or in the School on the part of any student or clerk, the Principal, if in his discretion he considers the offence sufficiently serious to call for such action, shall have power, whether such misconduct shall have come under his own observation, or shall have been reported to him by a Lecturer, to suspend such student or clerk from further attendance at

the School, for a period not exceeding two weeks; and in any case where the Principal shall be of opinion that suspension of two weeks is insufficient, he is authorized to suspend indefinitely until such time as the Legal Education Committee shall make some order in the matter and he shall thereupon report the same and the reasons therefor in writing to the Chairman of the Legal Education Committee, in order that the matter may be dealt with by the Committee. The Committee shall have power to review any action taken under this regulation.

#### **EXAMINATIONS**

The Law Society does not hold any entrance examination. Applicants for admission must bring themselves within one of the five classes of cases mentioned on the preceding pages 3 and 4.

The law examinations which every student and clerk must pass after his admission, viz., first intermediate, second intermediate and final examinations, must be passed at the Law School examinations under the Law School Curriculum hereinafter printed, the first intermediate examinations being passed during the first, the second intermediate examinations during the second, and the final examinations during the third year of the School course respectively. The examinations are divided into two parts, one being held before the Christmas vacation, and the other at the close of the School year. The two parts of the second intermediate and final examinations are, in regard to passing, distinct and independent examinations.

The percentage of marks which must be obtained in order to pass an examination of the Law School is fifty-five per cent. of the aggregate number of marks obtainable, and twenty-nine per cent. of the marks obtainable upon each paper.

Examinations are also held in the week commencing with the third Monday in September, for those who were unable to present themselves for the earlier examinations or who, having presented themselves, failed in whole or in part.

Students, whose attendance upon lectures has been allowed as sufficient, and who have failed at the Christmas or Spring examinations, may present themselves at the September examinations, either in all the subjects or in those subjects only in which they failed to obtain fifty-five per cent. of the marks obtainable in such subject. Those entitled, and desiring to present themselves at the September examination, must give notice in writing to the Secretary of the Law Society, at least two weeks prior to the time of such examinations, of their intention to present themselves, stating whether they intend to do so in all the subjects, or in those only in which they failed to obtain fifty-five per cent. of the marks obtainable, mentioning the names of such subjects.

The time for holding the examinations of the Law School in any year may be varied from time to time by the Legal Education Committee, as occasion may require.

Students who have failed at the examinations for any year, are obliged to again attend the lectures of that year.

#### **HONOURS, SCHOLARSHIPS AND MEDALS**

The Law School Examinations include examinations for Honours in all the three years of the School course. Scholarships are offered for competition in connection with the first and second intermediate examinations, and medals in connection with the final examinations.

In order to be entitled to present themselves for examination for Honours, candidates must obtain at least three-fourths of the whole number of marks obtainable

on the papers, and one-third of the marks obtainable on the paper on each subject, at the Pass examination. In order to be passed with honours, candidates must obtain at least three-fourths of the aggregate marks obtainable on the papers in both the Pass and Honour examinations; and at least one-half of the aggregate marks obtainable on the papers in each subject on both examinations.

The Scholarships offered at the Law School Examinations are the following :—

Of the candidates passed with Honours at each of the first and second years' examinations, the first is entitled to a scholarship of \$100; the second to one of \$60; and the next five to one of \$40 each, and each scholar receives a diploma certifying to the fact.

The medals offered at the final examination in the Law School, are the following :—

Of the persons called with Honours, the first three are entitled to medals on the following conditions :—

The first, if he has passed both intermediate examinations with Honours, to a gold medal, otherwise to a silver medal.

The second, if he has passed both intermediate examinations with Honours, to a silver medal, otherwise to a bronze medal.

The third, if he has passed both intermediate examinations with Honours, to a bronze medal.

The diploma of each medallist certifies to his being such medallist.

#### PHILLIPS-STEWART LIBRARY

On the 2nd February, 1892, Mr. T. B. Phillips-Stewart a member of the Law Society, bequeathed his estate to it, and directed, that the annual income should be expended by a Committee of Benchers in the purchase of law books for the Law School.

Under this bequest the sum of \$7,599.65 was subsequently paid to the Law Society, and under a resolution of Convocation, the income of the fund is annually expended in the purchase of students' books. This library now comprises a number of duplicate copies of the text books on the Law School course. A reading room with suitable attendance is maintained in the Law School building for the use of students, the text books are lent out to students subject to rules governing the length of time books may be retained and the care to be observed in using them.

**CALL TO THE BAR AND ADMISSION AS  
SOLICITOR**

Call to the Bar and Admission as Solicitor are regulated by the Rules, and by the Acts R.S.O. (1897), ch. 173, and ch. 174, respectively.

Call and admission in special cases are provided for by the Rules; and by the Acts R.S.O. (1897) chs. 173 and 174.

Notice signed by a Bencher of the Society must be given on or before the fourth Monday before Term by candidates for Call to the Bar, and all candidates at the final examination are required to file their papers with the Secretary, and pay their fees not less than two days before the examination.

Candidates are also particularly requested to see *before* the first day of term that their papers are regular.

**FEEES**

The fees payable are stated in the résumé of fees contained in Schedule C. Full fees are payable by students presenting themselves for the final examination, although the period of three or five years, as the case may be from the time of their admission to the Society may not have expired.

## APPENDIX.

## A

**The Matriculation Curriculum.****Books and Subjects prescribed for the Examinations.**

To be passed by persons, not being graduates, in order to qualify them for admission to the Society, as Student-at-Law of the Matriculant class.

**ENGLISH**

**GRAMMAR AND RHETORIC :** The main facts in the development of the language. Etymology and syntax, including the logical structure of the sentence and the inflection, classification and elementary analysis of words. The rhetorical structure of the sentence and paragraph.

*One examination paper.*

**COMPOSITION :** An essay on one of several themes set by the examiners. In order to pass in this subject, legible writing, correct spelling and punctuation, and proper construction of sentences are indispensable. The candidate should also give attention to the structure of the whole essay, the effective ordering of the thought, and the accurate employment of a good English vocabulary. About two pages of foolscap is suggested as the proper length for the essay; but quality, not quantity, will be mainly regarded.

*One examination paper.*

**LITERATURE :** Such questions only shall be set as may serve to test the candidate's familiarity with, and intelligent and appreciative comprehension of, the prescribed texts. The candidate will be expected to have memorized some of the finest passages. In addition to the questions on the prescribed selections, others shall be set on a "sight passage" to test the candidate's ability to interpret literature for himself.

*One examination paper.*

1905 : **LONGFELLOW :** Evangeline, The Day is Done, The Old Clock on the Stairs, The Fire of Driftwood, Resignation, The Warden of the Cinque Ports, The Bridge, A Glean of Sunshine.

**WORDSWORTH :** "Three years she grew in sun and shade," "She was a Phantom of delight," "There is a Flower, the lesser Celandine,"

To a Skylark, ("Ethereal minstrel ! pilgrim of the sky !"), The Green Linnet, To the Cuckoo, "With little here to do or see."

SHAKESPEARE : Macbeth.

1906 : COLERIDGE : The Ancient Mariner.

WORDSWORTH : Michael, Influence of Natural Objects, Nutting, Expostulation and Reply, The Tables Turned, The Solitary Reaper, Ode to Duty, Elegiac Stanzas, To the Rev. Dr. Wordsworth, "She was a Phantom of delight," To the Cuckoo, The Green Linnet, "Bright Flower ! whose home," To a Skylark, ("Ethereal minstrel ! pilgrim of the sky !"), Reverie of Poor Susan, To my Sister, "Three years she grew in sun and shade," September 1819, Upon the same Occasion.

The following twelve sonnets : "Two Voices are there," "Scorn not the Sonnet," "A flock of sheep that leisurely," "Earth hath not anything," "It is not to be thought of," "Fair Star of evening," "O Friend ! I know not," "Milton ! thou shouldst," "When I have borne in memory," "Brook ! whose society," "Tax not the royal saint," "They dreamt not of a perishable home."

SHAKESPEARE : Merchant of Venice.

1907 : TENNYSON : Ode to Memory, The Dying Swan, The Lotus Eaters, Ulysses, "You ask me, why," "Of old sat Freedom," "Love thou thy land," "Tears, idle tears," and the six interlude songs from The Princess, The Brook, Ode on the Duke of Wellington, Charge of the Light Brigade, Enoch Arden.

SHAKESPEARE : Julius Cæsar.

### HISTORY

Great Britain and Canada from 1763 to 1885, with the outlines of the preceding periods of British history.

The geography relating to the history prescribed.

*One-half examination paper.*

General outlines of Greek history to the fall of Corinth.

General outlines of Roman history to the death of Augustus.

The geography relating to the history prescribed.

*One-half examination paper.*

### MATHEMATICS

ARITHMETIC : Elementary rules, fractions (vulgar and decimal), interest, discount, and easy problems in stocks.

Special importance will be attached to accuracy and neatness.

*One examination paper.*

ALGEBRA : Elementary rules ; highest common measure ; lowest common multiple ; fractions ; square root ; simple equations of one, two and three unknown quantities ; indices ; surds, quadratics of one and two unknown quantities.

*One examination paper.*

GEOMETRY : Euclid, Books I., II., and III. ; easy deductions.

*One examination paper.*

NOTE.—In 1907 the examination in Geometry will be based on a short course in practical Geometry, involving the use of the rule, compass and protractor, and on a course in formal deductive Geometry, which will be defined in a syllabus to be issued by the University.

#### LATIN

Translation into Latin of English phrases and easy sentences to illustrate Latin accidence and the common rules of Latin syntax.

Translation into Latin of easy narrative English based upon the first twenty-five chapters of the prescribed Cæsar.

Translation at sight (with the aid of vocabularies) from some easy prose author.

Translation from prescribed texts, with grammatical and other questions naturally arising from the extracts set for translation.

The following are the texts prescribed :—

Cornelius Nepos, Lives of Themistocles, and Aristides; CÆSAR, *Bellum Gallicum*, Bk. IV. (omitting Chap. 17), and Bk. V., Chap. 1-23; VERGIL, *Æneid*, Bk. II. (1-505).

Two papers will be set : (1) Translation of English into Latin. (2) Prescribed texts and translation at sight, with questions on Grammar, etc.

N.B.—The Roman method of pronouncing Latin is recommended.

In addition to the above subjects any two of the following must be taken :—Greek, French, German, Experimental Science (*i.e.*, Physics and Chemistry).

#### GREEK

Translation into English passages from prescribed texts.

Translation at sight (with the aid of vocabularies) of easy Attic prose to which special importance will be attached.

Grammatical questions on the passages from prescribed texts

will be set, and such other questions as arise naturally from the context.

Translation from English into Greek of sentences and of easy narrative passages based upon the prescribed prose texts.

The following are the prescribed texts :—

1905 : Selections from XENOPHON, *Anabasis* I., in White's first Greek book with the exercises thereon; HOMER, *Iliad* I.

1906 : Selections from XENOPHON, *Anabasis* I., in White's first Greek Book, with the exercises thereon; HOMER, *Iliad* VI.

1907 : Selections from XENOPHON, *Anabasis* I., in White's First Greek Book; HERODOTUS, *Tales*, ed. Farnell.

#### FRENCH

The candidate's knowledge of French will be tested by : (1) simple questions on Grammar, (2) the translation of simple passages from English into French, (3) translation at sight of easy passages from modern French, and (4) an examination on the following texts :—

LAMENNAIS, *Paroles d'un croyant*, Chaps. VII. and XVII.; PERAULT, *le Maître Chat ou le Chat Botté*; DUMAS, *Un nez gele*, and *la Pipe de Jean Bart*; ALPHONSE DAUDET, *la Dernière classe*, and *la Chèvre de M. Seguin*; LEGOUVE, *la Patte de dindon*; POUVILLON, *Hortibus*; LOTI, *Chagrin d'un vieux forçat*; MOLIERE, *l'Avare*, Acte III., sc. 5 (*Est-ce à votre cocher. . . sous la mienne*); VICTOR HUGO, *Waterloo*, Chap. IX.; ROUGET DE L'ISLE, *la Marseillaise*; ARNAULT, *la Feuille*; CHATEAUBRIAND, *l'Exilé*; THEOPHILE GAUTIER, *la Chimère*; VICTOR HUGO, *Extase*; LAMARTINE, *l'Automne*; DE MUSSET, *Tristesse*; SULLY PRUDHOMME, *le Vase brisé*; LA FONTAINE, *Le Chêne et le Roseau*.

1905 : ERCKMANN-CHATRAIN, *Contes fantastiques*, pp. 3-69, 121-138, ed. by E. S. Jones (Holt & Co.).

1906 : LABICHE, *le Voyage de Monsieur Perrichon*.

1907 : LABICHE, *la Grammaire*.

#### GERMAN

The candidate's knowledge of German will be tested by : (1) simple questions on Grammar, (2) the translation of simple passages from English into German, (3) translation at sight of easy passages from modern German, and (4) an examination on the following texts :—

GRIMM, Rotkappchen; ANDERSEN, Wie's der Alte macht, Das neue Kleid, Venedig, Rothschild, Der Bar; ERTL, Himmels-schlüssel; FROMMEL, Das eiserne Kreuz; BAUMBACH, Nicotiana, Der Goldbaum; HEINE, Lorelei, Du bist wie eine Blume; UHLAND, Schafer's Sonntagslied, Das Schloss am Meer; CHAMISSO, Das Schloss Boncourt; CLAUDIUS, Die Sterne, Der Riese Goliath; GÆTHE, Mignon, Erlkönig, Der Sänger; SCHILLER, Der Jüngling am Bache.

1905 : LEANDER, Traumereien, pp. 45-90 (selected by Van Daell.

1906 : BAUMBACH, Waldnovellen.

1907 : HAUFF, Das Kalte Hertz.

## **Elementary Experimental Science.**

### **PHYSICS**

Use of metre rule; uses of calipers and vernier for more accurate metric measurements (*e.g.*, diameters of wires, thickness of glass, plates, etc.); numerical calculations in the metric system.

Use of balance.

Specific gravity, by specific gravity bottle and Hydrostatic balance, of liquids and of solids.

Boyle's law; barometer, diffusion of gases.

Use of Fahrenheit and Centigrade thermometers; determination of zero and boiling point; boiling point dependent on pressure.

Expansion of solids, liquids and gases; examples

Specific heat; latent heat; easy numerical examples.

Transmutation of matter; indestructibility of matter.

Solution, precipitation, crystallization and evaporation.

*One-half examination paper.*

### **CHEMISTRY**

Properties of Hydrogen, Chlorine, Oxygen, Sulphur, Nitrogen, Carbon and their most important compounds. Nomenclature. Laws of combination of the elements. The Atomic Theory and Molecular Theory.

*One-half examination paper.*

## B

## THE LAW SCHOOL CURRICULUM.

## FIRST YEAR.

*General Jurisprudence.*

Holland's Elements of Jurisprudence.

*Contracts.*

Anson on Contracts.

*Real Property.*

Williams on Real Property, Leith's edition.

Deane's Principles of Conveyancing.

*Common Law.*

Broom's Common Law.

*Constitutional History and Law.*

Bourinot's Manual of the Constitutional History of Canada.

Todd's Parliamentary Government in the British Colonies (2nd edition, 1894). The following portions, viz :

Chap. 2,	pages	25	to	63	inclusive.
" 3,	"	73	"	83	"
" 4,	"	107	"	128	"
" 5,	"	155	"	184	"
" 6,	"	200	"	208	"
" 7,	"	209	"	246	"
" 8,	"	247	"	300	"
" 9,	"	301	"	312	"

*Equity.*

Snell's Principles of Equity.

Marsh's History of the Court of Chancery

*Practice and Procedure.*

Judicature Act and Rules of Practice.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

## SECOND YEAR.

*Criminal Law.*

The Criminal Statutes of Canada.

*Real Property.*

Kerr's Student's Blackstone, Book 2.  
Armour's Real Property.

*Personal Property.*

Williams on Personal Property.

*Contracts.*

Pollock on Contracts.  
Rawlins on Specific Performance.  
Pollock on Partnership.

*Torts.*

Underhill on Torts.

*Equity.*

Snell's Principles of Equity.

*Evidence.*

Powell on Evidence.

*Constitutional Law.*

Clement's Law of the Canadian Constitution.

*Practice and Procedure.*

Statutes, Rules and Orders relating to the jurisdiction, pleading,  
practice and procedure of the Courts.

*Statute Law.*

Such Acts and parts of Acts relating to the above subjects as  
shall be prescribed by the Principal.

## THIRD YEAR.

*Real Property.*

Clerke & Humphrey on Sales of Land.  
Underhill & Strahan on Interpretation of Wills.  
Armour on Titles.

*Criminal Law.*

The Criminal Statutes of Canada.

*Equity.*

Underhill on Trusts.  
De Colyar on Guarantees.  
Bell and Dunn on Mortgages.

*Torts.*

Pollock on Torts.  
Smith on Negligence, 2nd edition.

*Evidence.*

Best on Evidence.

*Commercial Law.*

Benjamin on Sales.  
Maclaren on Bills, Notes and Cheques.

*Private International Law.*

Foote's Private International Jurisprudence.

*Construction and Operation of Statutes.*

Hardcastle's Construction and Effect of Statutory Law.

*Practice and Procedure.*

Statutes, Rules and Orders relating to the jurisdiction, pleading,  
practice and procedure of the Courts.

*Company Law.*

The Ontario Companies Act, R.S.O., Cap. 191.  
The Joint Stock Companies Winding-up Act, R.S.O., Cap. 222.  
The Companies Act, 1902, 2 Edw. VII. (Can.) Cap. 15.  
The Winding-up Act, R.S.C., Cap. 129.  
The Winding-up Amendment Act—1889—52 Vict. (Can.), Cap. 32.  
Palmer's Company Law. (1905).

*Municipal Law.*

The Consolidated Municipal Act, 1903.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

NOTE.—In the examinations of all the Years, students are subject to be examined upon the *matter of the lectures* delivered on each of the subjects of those years respectively, as well as upon the text-books and other work prescribed.

## C

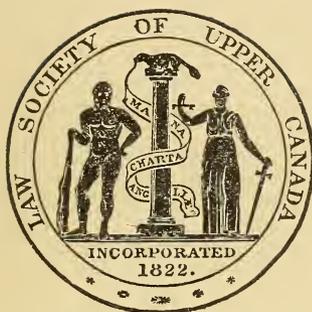
## RESUME OF FEES.

With application for admission as Student-at-Law.....	\$1 00
For Admission as Student-at-Law.....	50 00
With notice of Call to the degree of Barrister-at-Law ..	1 00
On examination for Call.....	100 00
Additional fee in special cases in addition to fee for admission as a Student-at-Law.....	200 00
For admission as a Solicitor.....	60 00
Additional fee in special cases in addition to fee for admission as a Student-at-Law.....	200 00
On every petition to Convocation for special relief.....	2 00
For every certificate of admission as Student-at-Law....	1 00
For Barrister's diploma.....	2 00
For every other certificate.....	1 00
With every other notice.....	1 00
Law school per term in advance.....	100 00
Barrister's annual term or Bar fee.....	2 00
Solicitor's Annual Certificate.....	15 00

In case any candidate for Call to the Bar, or for a Certificate of Fitness as a Solicitor, fails to pass the necessary examination, or is rejected on any other ground, the fee deposited by him according to the statute or the Rules of the Society, shall be returned to him by the Secretary, less \$10. [*The fee for Final Examinations is not divisible, as the examination covers the qualifications for both Call and Certificate of Fitness. \$20 must be paid for the Christmas Examinations, and the balance of \$140 for the Easter Examinations, in each case not later than two days before the Examinations.*]







# Law Society of Upper Canada

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## LEGAL EDUCATION COMMITTEE

JAMES BICKNELL, *Chairman.*

J. E. FAREWELL.

G. LYNCH-STAUNTON

J. M. GLENN.

A. C. McMASTER.

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JOHN HOSKIN.

H. H. STRATHY.

Z. A. LASH.

G. H. WATSON.

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## PREFACE.

THIS pamphlet is designed to afford necessary information to Students-at-Law, and those intending to become such, in regard to their course of study and examinations. They are, however, also recommended to read carefully in connection herewith the Rules of the Law Society.

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# *Curriculum of the Law School*

OSGOODE HALL, TORONTO

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THE LAW SCHOOL.

*Principal:*

N. W. HOYLES, B.A., K.C., LL.D.

*Lecturers:*

E. DOUGLAS ARMOUR, K.C., D.C.L.

A. H. MARSH, B.A., LL.B., K.C.

JOHN KING, M.A., K.C.,    MCGREGOR YOUNG, M.A., K.C.

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## **DIRECTIONS TO STUDENTS**

Admission of students to the Law Society of Upper Canada takes place four times a year, namely:

In Hilary Term, commencing first Monday in February, lasting two weeks.

In Easter Term, commencing third Monday in May, lasting three weeks.

In Trinity Term, commencing second Monday in September, lasting two weeks.

In Michaelmas Term, commencing third Monday in November, lasting three weeks.

For the purposes of admission of students each of the above terms is deemed to continue until the day before the commencement of the next ensuing term, but call to the Bar and admission as solicitor takes place only at the times limited.

The applicant for admission must be either:

(1) A graduate in the Faculty of Arts or Law in any University in His Majesty's Dominions empowered to grant such degree.

(2) A graduate of the Royal Military College, Kingston.

(3) A graduate in the Faculty of Applied Science of the University of Toronto.

In each of the above cases he may be admitted as a student of the Graduate Class and is bound to serve for three years.

(4) A student of any University in the Province of Ontario who shall present a certificate of having passed within four years of his application, an examination in the subjects specified in Schedule A (Appendix), or a certificate of having matriculated in such university within such period of four years.

(5) A candidate who shall present a certificate of having passed within four years of his application, the Junior Matriculation Examination held by the Department of Education.

(6) A cadet of the Royal Military College, Kingston, who has passed within four years of his application, in both the Obligatory and Voluntary examinations held for entrance, and who has also taken the course in the College for one year and passed the examination at the end of the year. This regulation continues in force only so long as the present Curriculum of subjects for entrance and first year work is maintained in the Royal Military College.

In the three last named cases, he is entered as a student of the Matriculant Class and is bound to serve for five years.

No person shall be admitted who is not of the full age of sixteen years.

The applicant must not later than the last day of any of the Terms of the Society above mentioned, cause to be left with the Secretary of the Law Society at his office at Osgoode Hall, his application for admission and the fees (fifty-one dollars). This is permitted and

must be done, although the applicant may not at the time have heard the result of the qualifying examination. All forms may be obtained beforehand from the Secretary upon application to him.

As soon as the applicant has heard the result of his examination, and obtains his certificate or diploma, he should send it to the Secretary.

#### ARTICLES OF CLERKSHIP

Every applicant should article himself to a solicitor on forms which will be supplied by the Secretary, and if these articles are entered into some day since the last Term his service will date from such day. Students are informed that their time does not begin to run until they are articulated.

The articles of clerkship should be filed within three months after execution in the Central Office at Osgoode Hall. Students are advised to file them without delay. If not filed within the above period the time of service will only count from the day of filing.

The same rule applies to any assignment of the articles which may be made during the period of service.

No person attending in the chambers of a Barrister, shall, during his term of attendance, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of a student in attendance. And no person bound by articles of clerkship to any solicitor, shall, during the term of service mentioned in such articles, hold any office of emolument, or engage, or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his partner or partners (if any), and his Toronto agent, with the consent of such Solicitors, in the business, practice, or employment of a Solicitor.

Any student or clerk who has applied for admission to the Society but has not completed such application

and who desires in anticipation of his being duly admitted, to attend the Law School in the meantime, may, on satisfying the Secretary that he is duly articulated, pay his fees for Law School tuition, and attend the lectures forthwith.

Students are reminded that they are not entitled to any refund of their fees except in the event of their qualifications being insufficient to secure admission.

#### **ATTENDANCE AT THE LAW SCHOOL**

This School was established on its present basis by the Law Society of Upper Canada in 1889, under the provisions of rules passed by the Society in the exercise of its statutory powers. It is conducted under the immediate supervision of the Legal Education Committee of the Society, subject to the control of the Benchers of the Society in Convocation assembled.

Its purpose is to secure as far as possible the possession of a thorough legal education by all those who enter upon the practice of the legal profession in the Province. To this end, attendance at the School during three terms or sessions is made compulsory upon all who desire to be admitted to the practice of the Law.

The course in the School is a three years' course. The term or session commences on the last Monday of September, and ends on the last Monday in April, with a vacation commencing on the Saturday before Christmas and ending on the Saturday after New Year's day, and a vacation at Easter commencing on the Thursday before Good Friday, and concluding at the end of the ensuing week.

Admission to the Law Society is ordinarily a condition precedent to attendance at the Law School. Every student-at-Law before being allowed to enter the School must present to the Principal a certificate of the Secretary of the Law Society, shewing that he has been duly

admitted upon the books of the Society and that he has paid the prescribed fee for the term.

Students, however, desirous of attending the lectures of the School, but not of qualifying themselves to practice in Ontario, are allowed upon payment of the usual fee to attend the lectures without admission to the Law Society.

Persons desiring to attend special courses at the School may do so on payment of such fees as shall be prescribed by the Legal Education Committee.

The student is required to pass the examinations in the Law School at Osgoode Hall on the subjects prescribed by the Law School Curriculum as set out in Appendix (B). Students who have failed at the examinations for any year are obliged to again attend the lectures for that year.

A graduate is required to take the examinations in the first, second and third years of the course during the first, second and third years respectively of his service. A matriculant must take the examinations in the first year of the course during the third year of his service, and the examinations in the second year of the course during the fourth year of his service, and he must take the examinations in the third year of the course during the fifth year of his service.

The attendance upon one year's course of lectures cannot be commenced until after the examinations of the preceding year have been duly passed; and a student or clerk cannot present himself for the examinations of any year until he has completed his attendance on the lectures of that year. See also page 11 as to the failure at examination.

Moot Courts are held by the students of the second and third years respectively, on such days as may be appointed by the Principal.

They are presided over by the Principal or a Lecturer,

who states the case to be argued, and appoints two students on each side to argue it, of which notice is given, and printed copies of the case distributed, one week before the day for argument.

The decision is pronounced at the close of the argument or on some future day.

Two lectures (one hour) daily in each year of the course are delivered on Monday, Tuesday, Wednesday and Thursday of each week.

Printed schedules showing the days and hours of all the lectures are distributed among the students at the commencement of the term.

At each lecture the attendance of students is carefully noted, and a record thereof kept.

At the close of each term, the Principal certifies to the Legal Education Committee the names of those students who appear by the record to have duly attended the lectures of that term. No student is to be certified as having duly attended the lectures, unless he has attended at least five-sixths of the aggregate number of lectures and at least four-fifths of the number of lectures of each series, delivered during the term and pertaining to his year. If any student who has failed to attend the required number of lectures, satisfies the Principal that such failure has been due to illness or other good cause the Principal makes a special report upon the matter to the Legal Education Committee. The word "lectures" in this connection includes Moot Courts.

During his attendance in the school, the student is recommended and encouraged to devote the time not occupied in attendance upon lectures, in the reading and study of the books and subjects prescribed for or dealt with in the course upon which he is in attendance.

The fee for attendance for each term of the course, is \$100.00, payable in advance to the Sub-Treasurer, who is also the Secretary of the Law Society.

**MAINTENANCE OF DISCIPLINE AND GOOD ORDER  
IN THE LAW SCHOOL**

The following regulations have been made on this subject:—

1. No student or clerk shall be deemed to have duly attended the lectures of the Law School in any term unless his conduct at lectures or in the School shall, upon the whole, have been good; and, if at the end of any term it shall appear to the Principal that the conduct of any student or clerk at lectures or in the School during such term, has not upon the whole been good, he shall not certify to the attendance of such student or clerk, as in the cases of other students or clerks, but shall report to the Legal Education Committee the facts relating to the attendance and to the conduct of such student or clerk to be dealt with by said Committee.

2. In any case of misconduct on the part of any student or clerk in any lecture, the Principal, and each Lecturer shall have power to disallow the attendance of such student or clerk at the lecture at which he shall have so misconducted himself, and to mark him absent therefrom upon the roll; and, if by reason of such disallowance, it shall appear at the end of the term that such student or clerk has failed to attend the required proportion of the lectures upon which he was in attendance, the Principal shall report to the Legal Education Committee the fact of the said disallowance and the reasons therefor, to be dealt with by said Committee.

3. In any case of misconduct at lecture or in the School on the part of any student or clerk, the Principal, if in his discretion he considers the offence sufficiently serious to call for such action, shall have power, whether such misconduct shall have come under his own observation, or shall have been reported to him by a Lecturer, to suspend such student or clerk from further attendance at the School, for a period not exceeding two weeks; and in

any case where the Principal shall be of opinion that suspension of two weeks is insufficient, he is authorized to suspend indefinitely until such time as the Legal Education Committee shall make some order in the matter and he shall thereupon report the same and the reasons therefor in writing to the Chairman of the Legal Education Committee, in order that the matter may be dealt with by the Committee. The Committee shall have power to review any action taken under this regulation.

#### EXAMINATIONS

The Law Society does not hold any entrance examination. Applicants for admission must bring themselves within one of the six classes of cases mentioned on the preceding pages 3 and 4.

The law examinations which every student and clerk must pass after his admission, viz., first intermediate, second intermediate and final examinations, must be passed at the Law School examinations under the Law School Curriculum hereinafter printed, the first intermediate examinations being passed during the first, the second intermediate examinations during the second, and the final examinations during the third year of the School course respectively. The examinations are divided into two parts, one being held before the Christmas vacation, and the other at the close of the School year. The two parts of the second intermediate and final examinations are, in regard to passing, distinct and independent examinations.

The percentage of marks which must be obtained in order to pass an examination of the Law School is fifty-five per cent. of the aggregate number of marks obtainable, and twenty nine per cent. of the marks obtainable upon each paper.

Examinations are also held in the week commencing with the third Monday in September, for those who were

unable to present themselves for the earlier examinations or who, having presented themselves, failed in whole or in part.

Students, whose attendance upon lectures has been allowed as sufficient, and who have failed at the Christmas or Spring examinations, may present themselves at the September examinations, either in all the subjects or in those subjects only in which they failed to obtain fifty-five per cent. of the marks obtainable in such subject. Those entitled, and desiring to present themselves at the September examination, must give notice in writing to the Secretary of the Law Society, at least two weeks prior to the time of such examinations, of their intention to present themselves, stating whether they intend to do so in all the subjects, or in those only in which they failed to obtain fifty-five per cent. of the marks obtainable, mentioning the names of such subjects.

The time for holding the examinations of the Law School in any year may be varied from time to time by the Legal Education Committee, as occasion may require.

Students who have failed at the examinations for any year, are obliged to again attend the lectures of that year.

#### **HONOURS, SCHOLARSHIPS AND MEDALS**

The Law School Examinations include examinations for Honours in all the three years of the School course. Scholarships are offered for competition in connection with the first and second intermediate examinations, and medals in connection with the final examinations.

In order to be entitled to present themselves for examination for Honours, candidates must obtain at the least three-fourths of the whole number of marks obtainable on the papers, and one-third of the marks obtainable on the paper on each subject, at the Pass examination. In order to be passed with honours, candidates must

obtain at least three-fourths of the aggregate marks obtainable on the papers in both the Pass and Honour examinations; and at least one-half of the aggregate marks obtainable on the papers in each subject on both examinations.

The Scholarships offered at the Law School Examinations are the following:

Of the candidates passed with Honours at each of the first and second years' examinations, the first is entitled to a scholarship of \$100; the second to one of \$60; and the next five to one of \$40 each, and each scholar receives a diploma certifying to the fact.

The medals offered at the final examination in the Law School, are the following:—

Of the persons called with Honours, the first three are entitled to medals on the following conditions:—

The first, if he has passed both intermediate examinations with Honours, to a gold medal, otherwise to a silver medal.

The second, if he has passed both intermediate examinations with Honours, to a silver medal, otherwise to a bronze medal.

The third, if he has passed both intermediate examinations with Honours, to a bronze medal.

The diploma of each medallist certifies to his being such medallist.

#### **THE CHRISTOPHER ROBINSON MEMORIAL SCHOLARSHIP**

This Scholarship has been founded by means of a fund subscribed by the Bench and Bar of the Province of Ontario to perpetuate the memory of the late Christopher Robinson, K.C., the interest of which fund is to be applied yearly to this purpose.

The Scholarship is open for competition each year among students of the graduating class of the Law School who have taken Honours in the examinations

of the second and third years; and is to be awarded for the best essay sent in within three months after the final examination at the Law School.

The subject of the essay is announced at the beginning of the academic year previous to the competition; the subject being selected and the examiners appointed by the Benchers of the Law Society in Convocation.

The names of the successful candidates are entered in the curriculum of the Law School and are also placed on a tablet provided for that purpose in the Phillips-Stewart Library at Osgoode Hall.

The Scholarship is awarded, partly in books, to the value of \$40, stamped with the arms of the Society and the words "The Christopher Robinson Memorial Scholarship," and the balance in money.

#### **PHILLIPS-STEWART LIBRARY**

On the 2nd February, 1892, Mr. T. B. Phillips-Stewart, a member of the Law Society, bequeathed his estate to it, and directed, that the annual income should be expended by a Committee of Benchers in the purchase of law books for the Law School.

Under this bequest the sum of \$7,599.65 was subsequently paid to the Law Society, and under a resolution of Convocation, the income of the fund is annually expended in the purchase of students' books. This library now comprises a number of duplicate copies of the text books on the Law School course. A reading room with suitable attendance is maintained in the Law School building for the use of students; the text books are lent out to students subject to rules governing the length of time books may be retained and the care to be observed in using them.

#### **CALL TO THE BAR AND ADMISSION AS SOLICITOR**

Call to the Bar and Admission as Solicitor are regulated by the Rules, and by the Acts R.S.O. (1897), ch. 173, and ch. 174, respectively.

Call and admission in special cases are provided for by the Rules; and by the Acts R.S.O. (1897) chs. 173 and 174.

Notice signed by a Bencher of the Society must be given on or before the fourth Monday before Term by candidates for Call to the Bar, and all candidates at the final examination are required to file their papers with the Secretary, and pay their fees not less than two days before the examination.

Candidates are also particularly requested to see *before* the first day of term that their papers are regular.

#### **FEEs**

The fees payable are stated in the resume of fees contained in Schedule C. Full fees are payable by students presenting themselves for the final examination, although the period of three or five years, as the case may be from the time of their admission to the Society may not have expired.

## APPENDIX A

## ENGLISH

GRAMMAR AND RHETORIC: The main facts in the development of the language. Etymology and syntax, including the logical structure of the sentence and the inflection, classification and elementary analysis of words. The rhetorical structure of the sentence and paragraph.

One examination paper.

COMPOSITION: An essay, to which special importance will be attached, on one of several themes set by the examiner.

One examination paper.

LITERATURE: The candidate will be expected to have memorized some of the finest passages. Besides questions to test the candidate's familiarity with, and comprehension of, the following selections, questions may also be set to determine within reasonable limits his power of appreciating literary art.

One examination paper.

1908: Tennyson, the Poet, The Lady of Shalott, Oenone, The Epic and Morte d'Arthur, St. Agnes' Eve, The Voyage, "Break, break, break," In the Valley of the Caunteretz; Browning, My Last Duchess, "How they brought the good news from Ghent to Aix," Love among the Ruins, Home Thoughts from Abroad, Up at a Villa, Andrea del Sarto, The Guardian Angel, Prospice, An Epistle of Karshish, Cavalier Tunes; Shakespeare, Macbeth.

1909: Coleridge, The Ancient Mariner; Wordsworth, Michael, Influence of Natural Objects, Nutting, Expostulation and Reply, The Tables Turned, The Solitary Reaper, Ode to Duty, Elegaic Stanzas, To the Rev. Dr. Wordsworth, "She was a phantom of delight," To the Cuckoo, The Green Linnet, "Bright flower! whose home," To a Skylark ("Ethereal minstrel! pilgrim of the sky!"), Reverie of Poor Susan, To my Sister, "Three years she grew," September, 1819, Upon the same Occasion, and the following twelve sonnets:—"Two voices are there," "A flock of sheep that leisurely," "Earth hath not anything," "It is not to be thought of," "Fair star of evening," "O friend, I know not," "Milton, thou shouldst," "When

I have borne in memory," "Brook! whose society," "Scorn not the sonnet," "Tax not the royal saint," "They dreamt not of a perishable home;" Shakespeare, Merchant of Venice.

1910: Tennyson, Ode to Memory, the Dying Swan, the Lotus Eaters, Ulysses, "You ask me, why," "Of old sat Freedom," "Love thou thy land," "Tears, idle tears," and the six interlude songs from the Princess, The Brook, Ode on the Duke of Wellington, Charge of the Light Brigade, Enoch Arden; Shakespeare, Julius Caesar.

### HISTORY

Great Britain and Canada from 1763 to 1885, with the outlines of the preceding periods of British history.

The geography relating to the history prescribed.

One half examination paper.

General outlines of Greek history to the fall of Corinth.

General outlines of Roman history to the death of Augustus.

The geography relating to the history prescribed.

One half examination paper.

### LATIN

1908, 1909, 1910: Translation at sight of passages of average difficulty from Caesar, upon which special stress will be laid.

Translation from a prescribed portion of Virgil's Aeneid, with questions thereon.

Questions on Latin accidence.

Translation into Latin of English sentences to illustrate the common rules of Latin syntax, upon which special stress will be laid. The vocabulary will be taken from the prescribed portion of Caesar.

Examination upon a short prescribed portion of Caesar, to test the candidate's knowledge of Latin syntax and his power of idiomatic translation.

The following are the texts prescribed:—

Caesar, Bellum Gallicum, Book IV., chaps. 20-38, and Book V., chaps. 1-23; Virgil, Aeneid, Book II., vv. 1-505.

Two papers will be set: (1) Translation at sight, Virgil, and accidence. (2) Translation into Latin, syntax and idiomatic translation from prescribed Caesar, etc.

**MATHEMATICS**

Arithmetic.—Elementary Rules, Fractions (Vulgar and Decimal), Contracted Methods of Computation, Square Root, Interest, Discount, Commission, Insurance, Stocks and Exchange.

MENSURATION.—The Rectangle, the Parallelogram, the Triangle, the Circle, the Parallelopiped, the Prism, and the Cylinder.

One examination paper.

NOTE.—The problems proposed at this Examination shall be simple and direct, and in their solution neatness and accuracy will be insisted on.

ALGEBRA.—Elementary Rules; highest common measure; lowest common multiple; fractions; square root; simple equations of one, two and three unknown quantities; indices; surds; quadratics of one and two unknown quantities.

One examination paper.

GEOMETRY.—A.—CONSTRUCTIONS.

To construct a triangle with sides of given lengths.

To construct an angle equal to a given rectilineal angle.

To bisect a given angle.

To bisect a given straight line.

To draw a line perpendicular to a given line from a given point in it.

To draw a line perpendicular to a given line from a given point not in the line.

Locus of a point equidistant from two given lines.

Locus of a point equidistant from two given points.

To draw a line parallel to another, through a given point.

To divide a given line into any number of equal parts.

To describe a parallelogram equal to a given triangle, and having an angle equal to a given angle.

To describe a parallelogram equal to a given rectilineal figure, and having an angle equal to a given angle.

On a given straight line to describe a parallelogram equal to a given triangle, and having an angle equal to a given angle.

To find the centre of a given circle.

From a given point to draw a tangent to a given circle.

On a given straight line to construct a segment of a circle containing an angle equal to a given angle.

From a given circle to cut off a segment containing an angle equal to a given angle.

In a circle to inscribe a triangle equiangular to a given triangle.

To find locus of centres of circles touching two given lines.

To inscribe a circle in a given triangle.

To describe a circle touching three given straight lines.

About a given circle to describe a triangle equiangular to a given triangle.

To divide a given line similarly to another given divided line.

To find the fourth proportional to three given lines.

To describe a polygon similar to a given polygon, and with the corresponding sides in a given ratio.

To find the mean proportional between two given straight lines.

To construct a polygon similar to a given polygon, and such that their areas are in a given ratio.

To describe a polygon of a given shape and size.

#### B.—THEOREMS.

The sum of the angles of any triangle is equal to two right angles.

The angles at the base of an isoscles triangle are equal, with converse.

If the three sides of one triangle be equal, respectively, to the three sides of another, the triangles are equal in all respects.

If two sides and the included angle of one triangle be equal to two sides and the included angle of another triangle, the triangles are equal in all respects.

If two angles and one side of a triangle be equal to two angles and the corresponding side of another, the triangles are equal in all respects.

If two sides and an angle opposite one of these sides be equal, respectively, in two triangles, the angles opposite the other pair of equal sides are either equal or supplemental.

The sum of the exterior angles of a polygon is four right angles.

The greater side of any triangle has the greater angle opposite it.

The greater angle of any triangle has the greater side opposite it.

If two sides of one triangle be equal respectively to two sides of another, that with the greater contained angle has the greater base, with converse.

If a transversal fall on two parallel lines, relations between angles formed, with converse.

Lines which join equal and parallel lines towards the same parts are themselves equal and parallel.

The opposite sides and angles of a parallelogram are equal and the diagonal bisects it.

Parallelograms on the same base, or on equal bases, and between the same parallels are equal.

Triangles on the same base, or on equal bases, and between the same parallels are equal.

Triangles equal in area, and on the same base, are between the same parallels.

If a parallelogram and a triangle be on the same base, and between the same parallels, the parallelogram is double the triangle.

Expressions for area of a parallelogram, and area of a triangle.

The complements of parallelograms about the diagonal of any parallelogram are equal.

The square on the hypotenuse of a right angled triangle is equal to the sum of the squares on the sides.

If a straight line be divided into any two parts, the sum of the squares on the parts, together with twice the rectangle contained by the parts, is equal to the square on the whole line.

The square on a side of any triangle is equal to the sum of the squares on the two other sides + twice the rectangle contained by either of these sides and the projection of the other side on it.

If more than two equal straight lines can be drawn from the circumference of a circle to a point within it, that point is the centre.

The diameter is the greatest chord in a circle, and a chord nearer the centre is greater than one more remote. Also the greater chord is nearer the centre than the less.

The angle at the centre of a circle is double the angle at the circumference on the same arc.

The angles in the same segment of a circle are equal, with converse.

The opposite angles of a quadrilateral inscribed in a circle are together equal to two right angles, with converse.

The angle in a semicircle is a right angle; in a segment greater than a semicircle less than a right angle, in a segment less than a semicircle greater than a right angle.

A tangent is perpendicular to the radius to the point of contact; only one tangent can be drawn at a given point; the perpendicular to the tangent at the point of contact passes through the centre;

the perpendicular from centre on tangent passes through the point of contact.

If two circles touch, the line joining the centres passes through the point of contact.

The angles which a chord drawn from the point of contact makes with the tangent, are equal to the angles in the alternate segments.

The rectangles under the segments of intersecting chords are equal.

If  $OA \cdot OB = OC^2$ ,  $OC$  is a tangent to the circle through  $A$ ,  $B$  and  $C$ .

Triangles of the same altitude are as their bases.

A line parallel to the base of a triangle divides the sides proportionally, with converse.

If a vertical angle of a triangle be bisected, the bisector divides the base into segments that are as the sides, with converse.

The analogous proposition when the exterior angle at the vertex is bisected, with converse.

If two triangles are equiangular, the sides are proportional.

If the sides of two triangles are proportional, the triangles are equiangular.

If the sides of two triangles about equal angles are proportional, the triangles are equiangular.

If two triangles have an angle in each equal, and the sides about two other angles proportional, the remaining angles are equal or supplemental.

Similar triangles are as the squares on corresponding sides.

The perpendicular from the right angle of a right-angled triangle on the hypotenuse divides the triangle into two which are similar to the original triangle.

In equal circles angles, whether at the centres or circumferences, are proportional to the area on which they stand.

The areas of two similar polygons are as the squares on corresponding sides.

If three lines be proportional, the first is to the third as the figure on the first to a similar figure on the second.

Questions and easy deductions on the preceding constructions and theorems.

It is recommended that the study of formal demonstrative

Geometry be preceded by a course in Practical Geometry, extending over not more than a year, and embracing the following:—

Definitions: fundamental geometric conceptions and principles; use of simple instruments, as compasses, protractor, graduated rule, etc.; measurement of lines and angles, and construction of lines and angles of given numerical magnitude; accurate construction of figures; some leading propositions in plane geometry reached by induction as a result of accurate construction of figures; deduction also employed as principles are reached and assured. At the examination, questions may be given in Practical Geometry, the constructions being such as naturally spring from the prescribed course. Candidates must provide themselves with a graduated ruler, compasses, set-square and protractor.

In the formal deductive Geometry modifications of Euclid's treatment of the subject will be allowed, though not required, as follows:—

The employment of the "hypothetical construction."

The free employment of the method of superposition, including the rotation of figures about an axis, or about a point in a plane.

A modification of Euclid's parallel postulate.

A treatment of ratio and proportion restricted to the case in which the compared magnitudes are commensurable.

One examination paper. \_\_\_\_\_

In addition to the above subjects any two of the following must be taken: Greek, French, German, Experimental Science (*i.e.* physics and chemistry). —

Translation into English of passages from prescribed texts.

Translation at sight (with the aid of vocabularies) of easy Attic prose, to which special importance will be attached.

Grammatical questions on the passages from prescribed texts will be set, and such other questions as arise naturally from the context.

Translation from English into Greek of phrases and of sentences to illustrate Greek accidence and the common rules of Greek syntax.

The following are the prescribed texts:—

1908: Xenophon, selections in White's First Greek Book, with the exercises thereon; Herodotus, *Tales*, ed. Farnell, I.-XI., inclusive.

1909-1910: Xenophon, selections in White's First Greek Book, with the exercises thereon; Herodotus, *Tales*, ed. Farnell, XI.-XX., inclusive.

Two papers will be set: (1) Prescribed texts and questions on grammar; (2) the translation of English into Greek and sight translation.

#### FRENCH

The candidate's knowledge of French will be tested by: (1) simple questions on grammar; (2) the translation of simple passages from English into French; (3) translation at sight of easy passages from modern French, and (4) an examination on the following texts:—

Lamennais, *Paroles d'un croyant*, Chaps. VII. and XVII.; Per-  
rault, *le Maître Chat ou le Chat Botté*; Dumas, *Un nez gelé*, and *la Pipe de Jean Bart*; Alphonse Daudet, *la Dernière classe*, and *la Chèvre de M. Seguin*; Legouv , *la Patte de dindon*; Pouillon, *Hortibus*; Loti, *Chagrin d'un vieux forcat*; Moliere, *l'Avare*, Acte III. sc. 5 (*Est-ce a votre cocher . . . sous la mie ne*); Victor Hugo, *Waterloo*, Chap. IX.; Rouget de L'Isle, *la Marseillaise*; Arnault, *la Feuille*; Chateaubriand, *l'Exil *; Th ophile Gautier, *la Chim re*; Victor Hugo, *Extase*; Lamartine, *l'Automne*; De Musset, *Tristesse*; Sully Prudhomme, *le Vase bris *; *La Fontaine, le Ch ne et le Roseau*.

1908: Meilhac et Hal vy, *l'Et  de la Saint-Martin*.

1909: Labiche, *le Voyage de Monsieur Perrichon*.

1910: Scribe, *le Verre d'eau*.

Two papers will be set: (1) Prescribed texts and translations at sight; questions on grammar; (2) the translation of English into French.

#### GERMAN

The candidate's knowledge of German will be tested by: (1) simple questions on grammar; (2) the translation of simple passages from English into German; (3) translation at sight of easy passages from modern German and (4) an examination on the texts contained in the High School German Reader.

1908: Leander, *Traumereien*, pp. 45-90 (selected by Van Daell).

1909: Baumbach, *Waldnovellen*.

1910: Hauff, *Das kalte Herz*.

Two papers will be set: (1) Prescribed texts and translation at

sight; questions on grammar; (2) the translation of English into German.

#### ELEMENTARY EXPERIMENTAL SCIENCE

PHYSICS: Use of meter rule; use of calipers and vernier for more accurate metric measurements (*e.g.*, diameters of wires, thickness of glass, plates, etc.); numerical calculations in the metric system.

Use of balance.

Specific gravity, by special gravity bottle and hydrostatic balance, of liquids and of solids.

Boyle's law; barometer; diffusion of gases.

Use of Fahrenheit and centigrade thermometers; determination of zero and boiling point; boiling point dependent on pressure.

Expansion of solids, liquids and gases; examples.

Specific heat, latent heat; easy numerical examples.

Transmutation of matter; indestructibility of matter.

Solution, precipitation, crystallisation and evaporation.

One half examination paper.

CHEMISTRY: Properties of hydrogen, chlorine, oxygen, sulphur, nitrogen, carbon, and their different compounds, especially those of economic and industrial importance.

Mixtures, solutions, chemical compounds, elements, nomenclature, laws of chemical combination, reacting weights, chemical formulae and equations, with easy numerical examples.

One half examination paper.

## B

## THE LAW SCHOOL CURRICULUM.

## FIRST YEAR.

*General Jurisprudence.*

Holland's Elements of Jurisprudence.

*Contracts.*

Anson on Contracts.

*Real Property.*

Williams on Real Property, Leith's edition.

Deane's Principles of Conveyancing.

*Common Law.*

Broom's Common Law.

*Constitutional History and Law.*

Bouvier's Manual of the Constitutional History of Canada.

Todd's Parliamentary Government in the British Colonies (2nd edition, 1894). The following portions, viz.:

Chap. 2,	pages	25 to	63	inclusive.
" 3,	"	73	" 83	"
" 4,	"	107	" 128	"
" 5,	"	155	" 184	"
" 6,	"	200	" 208	"
" 7,	"	209	" 246	"
" 8,	"	247	" 300	"
" 9,	"	301	" 312	"

*Equity.*

Snell's principles of Equity.

Marsh's History of the Court of Chancery.

*Practice and Procedure.*

Judicature Act and Rules of Practice.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

## SECOND YEAR.

*Criminal Law.*

The Criminal Statutes of Canada.

*Real Property.*

Kerr's Student's Blackstone, Book 2.

Armour's Real Property.

*Personal Property.*

Williams on Personal Property.

*Contracts.*

Pollock on Contracts.

Rawlins on Specific Performance.

Pollock on Partnership.

*Torts.*

Underhill on Torts.

*Equity.*

Snell's Principles of Equity.

*Evidence.*

Powell on Evidence.

*Constitutional Law.*

Clement's Law of the Canadian Constitution.

*Practice and Procedure.*

Statutes, Rules and Orders relating to the jurisdiction, pleading, practice and procedure of the Courts.

*Statute Law.*

Such Acts and parts of Acts relating to the above subjects as shall be prescribed by the Principal.

## THIRD YEAR.

*Real Property.*

Clerke &amp; Humphrey on Sales of Land.

Underhill &amp; Strahan on Interpretation of Wills.

Armour on Titles.

*Criminal Law.*

The Criminal Statutes of Canada.

*Equity.*

Underhill on Trusts.

De Colyar on Guarantees.

Bell and Dunn on Mortgages.

*Torts.*

Pollock on Torts.

Smith on Negligence, 2nd edition.

*Evidence.*

Best on Evidence.

*Commercial Law.*

Benjamin on Sales.

Maclaren on Bills, Notes and Cheques.

*Private International Law.*

Foote's Private International Jurisprudence.

*Construction and Operation of Statutes.*

Hardcastle's Construction and Effect of Statutory Law.

*Practice and Procedure.*

Statutes, Rules and Orders relating to the jurisdiction, pleading, practice and procedure of the Courts.

*Company Law.*

The Ontario Companies Act, 7 Ed. VII. (Ont), Cap. 34;  
6 Ed. VII., Cap. 27.

The Companies Act, R.S.C., Cap. 79.

The Winding-up Act, R.S.C., Cap. 144.

Palmer's Company Law. (1905).

*Municipal Law.*

The Consolidated Municipal Act, 1903.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

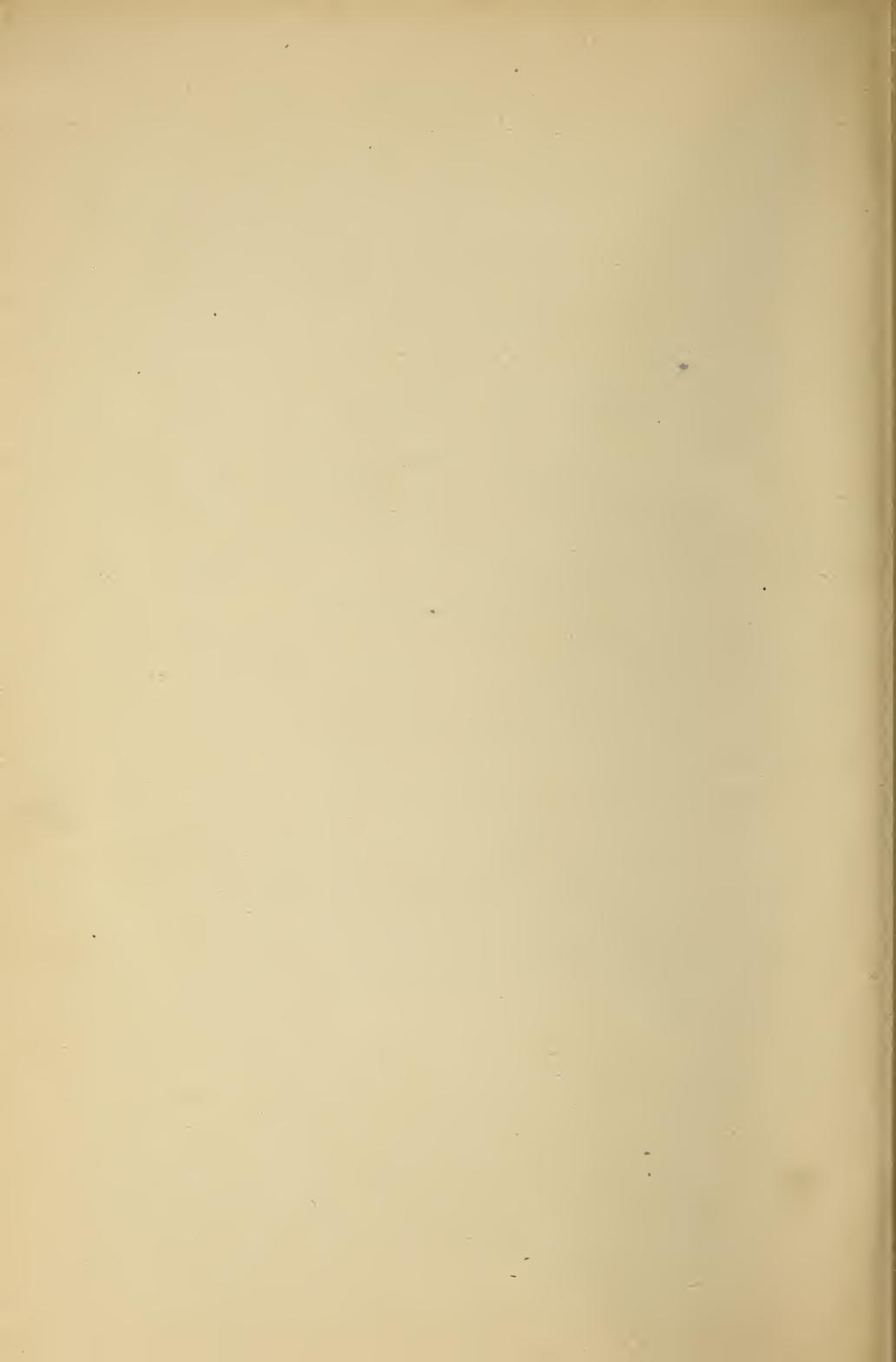
NOTE.—In the examinations of all the Years, students are subject to be examined upon the *matter of the lectures* delivered on each of the subjects of those years respectively, as well as upon the text-books and other work prescribed.

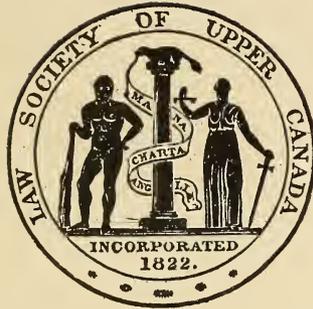
## C

## RESUME OF FEES.

With application for admission as Student-at-Law.....	\$1 00
For Admission as Student-at-Law.....	50 00
With notice of Call to the degree of Barrister-at-Law.....	1 00
On examination for Call.....	100 00
Additional fee in special cases in addition to fee for admission as a Student-at-Law.....	200 00
For admission as a Solicitor.....	60 00
Additional fee in special cases in addition to fee for admission as a Student-at-Law.....	200 00
On every petition to Convocation for special relief.....	2 00
For every certificate of admission as Student-at-Law.....	1 00
For Barrister's diploma.....	2 00
For every other certificate.....	1 00
With every other notice.....	1 00
Law School per term in advance.....	100 00
Barrister's annual term or Bar fee.....	2 00
Solicitor's Annual Certificate.....	15 00

In case any candidate for Call to the Bar, or for a Certificate of Fitness as a Solicitor, fails to pass the necessary examination, or is rejected on any other ground, the fee deposited by him according to the statute or the Rules of the Society, shall be returned to him by the Secretary, less \$10. [*The fee for Final Examinations is not divisible, as the examination covers the qualifications for both Call and Certificate of Fitness.* \$20 must be paid for the Christmas Examinations, and the balance of \$140 for the Easter Examinations, in each case not later than two days before the Examinations.]





# Law Society of Upper Canada

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## LEGAL EDUCATION COMMITTEE.

JAMES BICKNELL, *Chairman.*

J. M. GLENN,

A. C. McMASTER,

D. GUTHRIE,

W. D. McPHERSON,

F. W. HARCOURT,

C. H. RITCHIE,

JOHN HOSKIN,

H. H. STRATHY,

Z. A. LASH,

G. H. WATSON,

G. LYNCH-STAUNTON,

M. WILSON.

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## PREFACE.

THIS pamphlet is designed to afford necessary information to Students-at-Law, and those intending to become such, in regard to their course of study and examinations. They are, however, also recommended to read carefully in connection herewith the Rules of the Law Society.

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# Curriculum of the Law School

OSGOODE HALL, TORONTO

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## THE LAW SCHOOL.

### *Principal:*

N. W. HOYLES, B.A., K.C., LL.D.

### *Lecturers:*

E. DOUGLAS ARMOUR, K.C., D.C.L.

A. H. MARSH, B.A., LL.B., K.C.

JOHN KING, M.A., K.C., MCGREGOR YOUNG, M.A., K.C.

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### **DIRECTIONS TO STUDENTS**

Admission of students to the Law Society of Upper Canada takes place four times a year, namely:

In Hilary Term, commencing first Monday in February, lasting two weeks.

In Easter Term, commencing third Monday in May, lasting four weeks.

In Trinity Term, commencing second Monday in September, lasting two weeks.

In Michaelmas Term, commencing third Monday in November, lasting three weeks.

For the purposes of admission of students each of the above terms is deemed to continue until the day before the commencement of the next ensuing term, but call to the Bar and admission as solicitor takes place only at the times limited.

The applicant for admission must be either:

(1) A graduate in the Faculty of Arts or Law in any University in His Majesty's Dominions empowered to grant such degree.

(2) A graduate of the Royal Military College, Kingston.

(3) A graduate in the Faculty of Applied Science of the University of Toronto, or Queen's University, Kingston.

In each of the above cases he may be admitted as a student of the Graduate Class and is bound to serve for three years.

(4) A student of any University in the Province of Ontario who shall present a certificate of having passed within four years of his application, an examination in the subjects specified in Schedule A (Appendix), or a certificate of having matriculated in such university within such period of four years.

(5) A candidate who shall present a certificate of having passed within four years of his application, the Junior Matriculation Examination held by the Department of Education.

(6) A cadet of the Royal Military College, Kingston, who has passed within four years of his application, in both the Obligatory and Voluntary examinations held for entrance, and who has also taken the course in the College for one year and passed the examination at the end of the year. This regulation continues in force only so long as the present Curriculum of subjects for entrance and first year work is maintained in the Royal Military College.

In the three last named cases, he is entered as a student of the Matriculant Class and is bound to serve for five years.

No person shall be admitted who is not of the full age of sixteen years.

The applicant must not later than the last day of any of the Terms of the Society above mentioned, cause to be left with the Secretary of the Law Society at his office at Osgoode Hall, his application for admission and the fees (fifty-one dollars). This is permitted and

must be done, although the applicant may not at the time have heard the result of the qualifying examination. All forms may be obtained beforehand from the Secretary upon application to him.

As soon as the applicant has heard the result of his examination, and obtains his certificate or diploma, he should send it to the Secretary.

#### ARTICLES OF CLERKSHIP

Every applicant should article himself to a solicitor on forms which will be supplied by the Secretary, and if these articles are entered into some day since the last Term his service will date from such day. Students are informed that their time does not begin to run until they are articulated.

The articles of clerkship should be filed within three months after execution in the Central Office at Osgoode Hall. Students are advised to file them without delay. If not filed within the above period the time of service will only count from the day of filing.

The same rule applies to any assignment of the articles which may be made during the period of service.

No person attending in the chambers of a Barrister, shall, during his term of attendance, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of a student in attendance. And no person bound by articles of clerkship to any solicitor, shall, during the term of service mentioned in such articles, hold any office of emolument, or engage, or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his partner or partners (if any), and his Toronto agent, with the consent of such Solicitors, in the business, practice, or employment of a Solicitor.

Any student or clerk who has applied for admission to the Society but has not completed such application

and who desires in anticipation of his being admitted, to attend the Law School in the meantime, may, on satisfying the Secretary that he is duly articulated, pay his fees for Law School tuition, and attend the lectures forthwith.

Students are reminded that they are not entitled to any refund of their fees except in the event of their qualifications being insufficient to secure admission.

#### **ATTENDANCE AT THE LAW SCHOOL**

This School was established on its present basis by the Law Society of Upper Canada in 1889, under the provisions of rules passed by the Society in the exercise of its statutory powers. It is conducted under the immediate supervision of the Legal Education Committee of the Society, subject to the control of the Benchers of the Society in Convocation assembled.

Its purpose is to secure as far as possible the possession of a thorough legal education by all those who enter upon the practice of the legal profession in the Province. To this end, attendance at the School during three terms or sessions is made compulsory upon all who desire to be admitted to the practice of the Law.

The course in the School is a three years' course. The term or session commences on the last Monday of September, and ends on the last Monday in April, with a vacation commencing on the Saturday before Christmas and ending on the Saturday after New Year's day, and a vacation at Easter commencing on the Thursday before Good Friday, and concluding at the end of the ensuing week.

Admission to the Law Society is ordinarily a condition precedent to attendance at the Law School. Every Student-at-Law before being allowed to enter the School must present to the Principal a certificate of the Secretary of the Law Society, shewing that he has been duly

admitted upon the books of the Society and that he has paid the prescribed fee for the term.

~~Students, however, desirous of attending the lectures of the School, but not of qualifying themselves to practice in Ontario, are allowed upon payment of the usual fee to attend the lectures without admission to the Law Society.~~

~~Persons desiring to attend special courses at the School may do so on payment of such fees as shall be prescribed by the Legal Education Committee.~~

The student is required to pass the examinations in the Law School at Osgoode Hall on the subjects prescribed by the Law School Curriculum as set out in Appendix (B). Students who have failed at the examinations for any year are obliged to again attend the lectures for that year.

A graduate is required to take the examinations in the first, second and third years of the course during the first, second and third years respectively of his service. A matriculant must take the examinations in the first year of the course during the third year of his service, and the examinations in the second year of the course during the fourth year of his service, and he must take the examinations in the third year of the course during the fifth year of his service.

The attendance upon one year's course of lectures cannot be commenced until after the examinations of the preceding year have been duly passed; and a student or clerk cannot present himself for the examinations of any year until he has completed his attendance on the lectures of that year. See also page 11 as to the failure at examination.

Moot Courts are held by the students of the second and third years respectively, on such days as may be appointed by the Principal.

They are presided over by the Principal or a Lecturer,

who states the case to be argued, and appoints two students on each side to argue it, of which notice is given, and printed copies of the case distributed, one week before the day for argument.

The decision is pronounced at the close of the argument or on some future day.

Two lectures (one hour) daily in each year of the course are delivered on Monday, Tuesday, Wednesday and Thursday of each week.

Printed schedules showing the days and hours of all the lectures are distributed among the students at the commencement of the term.

At each lecture the attendance of students is carefully noted, and a record thereof kept.

At the close of each term, the Principal certifies to the Legal Education Committee the names of those students who appear by the record to have duly attended the lectures of that term. No student is to be certified as having duly attended the lectures, unless he has attended at least five-sixths of the aggregate number of lectures and at least four-fifths of the number of lectures of each series, delivered during the term and pertaining to his year. If any student who has failed to attend the required number of lectures, satisfies the Principal that such failure has been due to illness or other good cause the Principal makes a special report upon the matter to the Legal Education Committee. The word "lectures" in this connection includes Moot Courts.

During his attendance in the school, the student is recommended and encouraged to devote the time not occupied in attendance upon lectures, in the reading and study of the books and subjects prescribed for or dealt with in the course upon which he is in attendance.

The fee for attendance for each term of the course, is \$100.00, payable in advance to the Sub-Treasurer, who is also the Secretary of the Law Society.

**MAINTENANCE OF DISCIPLINE AND GOOD ORDER  
IN THE LAW SCHOOL**

The following regulations have been made on this subject:—

1. No student or clerk shall be deemed to have duly attended the lectures of the Law School in any term unless his conduct at lectures or in the School shall, upon the whole, have been good; and, if at the end of any term it shall appear to the Principal that the conduct of any student or clerk at lectures or in the School during such term, has not upon the whole been good, he shall not certify to the attendance of such student or clerk, as in the cases of other students or clerks, but shall report to the Legal Education Committee the facts relating to the attendance and to the conduct of such student or clerk to be dealt with by said Committee.

2. In any case of misconduct on the part of any student or clerk in any lecture, the Principal, and each Lecturer shall have power to disallow the attendance of such student or clerk at the lecture at which he shall have so misconducted himself, and to mark him absent therefrom upon the roll; and, if by reason of such disallowance, it shall appear at the end of the term that such student or clerk has failed to attend the required proportion of the lectures upon which he was in attendance, the Principal shall report to the Legal Education Committee the fact of the said disallowance and the reasons therefor, to be dealt with by said Committee.

3. In any case of misconduct at lecture or in the School on the part of any student or clerk, the Principal, if in his discretion he considers the offence sufficiently serious to call for such action, shall have power, whether such misconduct shall have come under his own observation, or shall have been reported to him by a Lecturer, to suspend such student or clerk from further attendance at the School, for a period not exceeding two weeks; and in

any case where the Principal shall be of opinion that suspension of two weeks is insufficient, he is authorized to suspend indefinitely until such time as the Legal Education Committee shall make some order in the matter and he shall thereupon report the same and the reasons therefor in writing to the Chairman of the Legal Education Committee, in order that the matter may be dealt with by the Committee. The Committee shall have power to review any action taken under this regulation.

#### EXAMINATIONS

The Law Society does not hold any entrance examination. Applicants for admission must bring themselves within one of the six classes of cases mentioned on the preceding pages 3 and 4.

The law examinations which every student and clerk must pass after his admission, viz., first intermediate, second intermediate and final examinations, must be passed at the Law School examinations under the Law School Curriculum hereinafter printed, the first intermediate examinations being passed during the first, the second intermediate examinations during the second, and the final examinations during the third year of the School course respectively. The examinations are divided into two parts, one being held before the Christmas vacation, and the other at the close of the School year. The two parts of the second intermediate and final examinations are, in regard to passing, distinct and independent examinations.

The percentage of marks which must be obtained in order to pass an examination of the Law School is fifty-five per cent. of the aggregate number of marks obtainable, and twenty-nine per cent. of the marks obtainable upon each paper.

Examinations are also held in the week commencing with the third Monday in September, for those who were

unable to present themselves for the earlier examinations or who, having presented themselves, failed in whole or in part.

Students, whose attendance upon lectures has been allowed as sufficient, and who have failed at the Christmas or Spring examinations, may present themselves at the September examinations, either in all the subjects or in those subjects only in which they failed to obtain fifty-five per cent. of the marks obtainable in such subject. Those entitled, and desiring to present themselves at the September examination, must give notice in writing to the Secretary of the Law Society, at least two weeks prior to the time of such examinations, of their intention to present themselves, stating whether they intend to do so in all the subjects, or in those only in which they failed to obtain fifty-five per cent. of the marks obtainable, mentioning the names of such subjects.

The time for holding the examinations of the Law School in any year may be varied from time to time by the Legal Education Committee, as occasion may require.

Students who have failed at the examinations for any year, are obliged to again attend the lectures of that year.

#### **HONOURS, SCHOLARSHIPS AND MEDALS**

The Law School Examinations include examinations for Honours in all the three years of the School course. Scholarships are offered for competition in connection with the first and second intermediate examinations, and medals in connection with the final examinations.

In order to be entitled to present themselves for examination for Honours, candidates must obtain at the least three-fourths of the whole number of marks obtainable on the papers, and one-third of the marks obtainable on the paper on each subject, at the Pass examination.

In order to be passed with honours, candidates must obtain at least three-fourths of the aggregate marks obtainable on the papers in both the Pass and Honour examinations; and at least one-half of the aggregate marks obtainable on the papers in each subject on both examinations.

The Scholarships offered at the Law School Examinations are the following:

Of the candidates passed with Honours at each of the first and second years' examinations, the first is entitled to a scholarship of \$100; the second to one of \$60; and the next five to one of \$40 each, and each scholar receives a diploma certifying to the fact.

The medals offered at the final examination in the Law School, are the following:—

Of the persons called with Honours, the first three are entitled to medals on the following conditions:—

The first, if he has passed both intermediate examinations with Honours, to a gold medal, otherwise to a silver medal.

The second, if he has passed both intermediate examinations with Honours, to a silver medal, otherwise to a bronze medal.

The third, if he has passed both intermediate examinations with Honours, to a bronze medal.

The diploma of each medallist certifies to his being such medallist.

#### **THE CHRISTOPHER ROBINSON MEMORIAL SCHOLARSHIP**

This Scholarship has been founded by means of a fund subscribed by the Bench and Bar of the Province of Ontario to perpetuate the memory of the late Christopher Robinson, K.C., the interest of which fund is to be applied yearly to this purpose.

The Scholarship is open for competition each year

among students of the graduating class of the Law School who have taken Honours in the examinations of the second and third years; and is to be awarded for the best essay sent in within three months after the final examination at the Law School.

The subject of the essay is announced at the beginning of the academic year previous to the competition; the subject being selected and the examiners appointed by the Benchers of the Law Society in Convocation.

The names of the successful candidates are entered in the curriculum of the Law School and are also placed on a tablet provided for that purpose in the Phillips-Stewart Library at Osgoode Hall.

The Scholarship is awarded, partly in books, to the value of \$40, stamped with the arms of the Society and the words, "The Christopher Robinson Memorial Scholarship," and the balance in money.

#### PHILLIPS-STEWART LIBRARY

On the 2nd February, 1892, Mr. T. B. Phillips-Stewart, a member of the Law Society, bequeathed his estate to it, and directed, that the annual income should be expended by a Committee of Benchers in the purchase of law books for the Law School.

Under this bequest the sum of \$7,599.65 was subsequently paid to the Law Society, and under a resolution of Convocation, the income of the fund is annually expended in the purchase of students' books. This library now comprises a number a duplicate copies of the text books on the Law School course. A reading room with suitable attendance is maintained in the Law School building for the use of students; the text books are lent out to students subject to rules governing the length of time books may be retained and the care to be observed in using them.

**CALL TO THE BAR AND ADMISSION AS SOLICITOR**

Call to the Bar and Admission as Solicitor are regulated by the Rules, and by the Acts R.S.O. (1897), ch. 173, and ch. 174, respectively.

Call and admission in special cases are provided for by the Rules; and by the Acts R.S.O. (1897) chs. 173 and 174.

Notice signed by a Bencher of the Society must be given on or before the fourth Monday before Term by candidates for Call to the Bar, and all candidates at the final examinations are required to file their papers with the Secretary, and pay their fees not less than two days before the examination.

Candidates are also particularly requested to see *before* the first day of term that their papers are regular.

**FEEs**

The fees payable are stated in the resumé of fees contained in Schedule C. Full fees are payable by students presenting themselves for the final examination, although the period of three or five years, as the case may be from the time of their admission to the Society may not have expired.

## APPENDIX.

## A.

**The subjects of Junior Matriculation are as follows:—English, Latin, History, Mathematics, and any two of the following:—Greek, German, French, Experimental Science.**

**GREEK.**

Translation into English of passages from the prescribed texts, with questions thereon.

Translation at sight of simple narrative passages similar to the Xenophon prescribed.

Questions on Greek accidence, and on the common rules of Greek syntax, to test the candidate's accuracy and comprehension in such matters as are needful for the intelligent reading of his texts.

The following are the prescribed texts:—

1909, 1911: Xenophon, Philpotts and Jerram, Easy selections from Xenophon, chaps. 3, 4, 5; Homer, Iliad. I., 1-350.

1910: Xenophon, Philpotts and Jerram, Easy selections from Xenophon, chaps. 3, 4, 5; Homer, Iliad. VI., 66-118 and 237 to the end.

Two papers will be set: (1) Prescribed texts; (2) translation at sight, accidence and syntax.

**LATIN.**

Translation at sight of passages of average difficulty from Cæsar, upon which special stress will be laid.

Translation, with questions, from a prescribed portion of Virgil's *Æneid*.

The marks assigned for the translation from prescribed authors shall not be more than twenty-five per cent. of the total marks assigned to the Latin papers.

Questions on Latin accidence.

Translation into Latin of English sentences involving a knowledge of the following principles of Latin syntax: The common uses of the cases; the accusative with the infinitive; the subjunctive in simple sentences; final and result clauses; the law of the sequence of tenses; the indirect question; verbs of fearing, doubting and hindering; the use of the participle, gerund and gerundive, active

and passive periphrastic; indirect discourse; and the common forms of the conditional sentence.

The vocabulary will be taken from the prescribed portion of Cæsar and special stress will be laid upon this part of the examination.

Examination upon a short prescribed portion of Cæsar, to test the candidate's knowledge of Latin syntax and his power of idiomatic translation.

The following are the texts prescribed:—

1909: Cæsar, *Bellum Gallicum*, Book IV., chaps. 20-38, and Book V., chaps. 1-23; Virgil, *Æneid*, Book II., vv. 1-505.

1910, 1911: Cæsar, *Bellum Gallicum*, Book IV., chaps. 20-38, and Book V., chaps. 1-23; Virgil, *Æneid*, Book I., vv. 1-510.

Two papers will be set: (1) Translation at sight, Virgil, and accidence. (2) Translation into Latin, syntax and idiomatic translation from prescribed Cæsar, etc.

#### ENGLISH.

**GRAMMAR AND RHETORIC:** The main facts in the development of the language. Etymology and syntax, including the logical structure of the sentence and the inflection, classification and elementary analysis of words. The rhetorical structure of the sentence and paragraph.

One examination paper.

**COMPOSITION:** An essay, to which special importance will be attached, on one of several themes set by the examiner.

One examination paper.

**LITERATURE:** The candidate will be expected to have memorized some of the finest passages. Besides questions to test the candidate's familiarity with, and comprehension of, the following selections, questions may also be set to determine within reasonable limits his power of appreciating literary art.

The candidate shall produce satisfactory proof, by the certificate of the principal of the school from which he comes or otherwise that he has read carefully, during the preceding year, at least four suitable works in English literature (both prose and poetry) in addition to those prescribed below for examination.

One examination paper.

1909: Coleridge, *The Ancient Mariner*; Wordsworth, *Michael*, *Influence of Natural Objects*, *Nutting*, *Expostulation and Reply*,

The Tables Turned, The Solitary Reaper, Ode to Duty, Elegiac Stanzas, To the Rev. Dr. Wordsworth, "She was a phantom of delight," To the Cuckoo, The Green Linnet, "Bright flower! whose home," To a Skylark ("Ethereal minstrel! pilgrim of the sky!"), Reverie of Poor Susan, To my Sister, "Three years she grew," September, 1819, Upon the same Occasion, and the following twelve sonnets:—"Two voices are there," "A flock of sheep that leisurely," "Earth hath not anything," "It is not to be thought of," "Fair star of evening," "O friend, I know not," "Milton, thou shouldst," "When I have borne in memory," "Brook! whose society," "Scorn not the sonnet," "Tax not the royal saint," "They dreamt not of a perishable home;" Shakespeare, Merchant of Venice.

1910: Tennyson, Ode to Memory, The Dying Swan, The Lotus Eaters, Ulysses, "You ask me, why," "Of old sat Freedom," "Love thou thy land," "Tears, idle tears," and the six interlude songs from the Princess, The Brook, Ode on the Duke of Wellington, Charge of the Light Brigade, Enoch Arden; Shakespeare, Julius Cæsar.

1911: Tennyson, The Poet, The Lady of Shalott, Oenone, The Epic and Morte d'Arthur, St. Agnes' Eve, The Voyage, "Break, break, break," In the Valley of the Causeretz; Browning, My Last Duchess, "How they brought the good news from Ghent to Aix," Love among the Ruins, Home Thoughts from Abroad, Up at a Villa, Andrea del Sarto, The Guardian Angel, Prospice, An Epistle of Karshish, Cavalier Tunes; Shakespeare, Macbeth.

#### GERMAN.

The candidate's knowledge of German will be tested by: (1) simple questions on grammar; (2) the translation of simple passages from English into German; (3) translation at sight of easy passages from modern German, and (4) an examination on the following prescribed texts:—

The texts contained in the High School German Reader.

1909: Baumbach, Waldnovellen.

1910: Hauff, Das kalte Herz.

1911: Leander, Traumereien, pp. 45-90 (selected by Van Daell).

Two papers will be set: (1) Prescribed texts and translation at sight; questions on grammar; (2) the translation of English into German.

**FRENCH.**

The candidate's knowledge of French will be tested by: (1) simple questions on grammar; (2) the translation of simple passages from English into French; (3) translation at sight of easy passages from modern French, and (4) an examination on the following texts:—

Lamennais, *Paroles d'un croyant*, Chaps. VII. and XVII.; Perrault, *le Maître Chat ou le Chat Botté*; Dumas, *Un nez gelé*, and *la Pipe de Jean Bart*; Alphonse Daudet, *la Dernière classe*, and *la Chèvre de M. Seguin*; Legouvé, *la Patte de dindon*; Pouvillon, *Hortibus*; Loti, *Chagrin d'un vieux forçat*; Molière, *l'Avare*, Acte III. sc. 5 (*Est-ce à votre cocher . . . sous la mienne*); Victor Hugo, *Waterloo*, Chap. IX.; Rouget de L'Isle, *la Marseillaise*; Arnault, *la Feuille*; Chateaubriand, *l'Exilé*; Theophile Gautier, *la Chimère*; Victor Hugo, *Extase*; Lamartine, *l'Automne*; De Musset, *Tristesse*; Sully Prudhomme, *de Vase brisé*; *La Fontaine*, *le Chêne et le Roseau*.

1909: Labiche, *le Voyage de Monsieur Perrichon*.

1910: Scribe, *le Verre d'eau*.

1911: Labiche, *la Grammaire*.

Two papers will be set: (1) Prescribed texts and translation at sight; questions on grammar; (2) the translation of English into French.

**HISTORY.**

Great Britain and Canada from 1763 to 1885, with the outlines of the preceding periods of British and Canadian history.

The geography relating to the history prescribed.

One half examination paper.

General outlines of Greek history to the fall of Corinth.

General outlines of Roman history to the death of Augustus.

The geography relating to the history prescribed.

One half examination paper.

**MATHEMATICS.**

**ARITHMETIC.**—Elementary Rules, Fractions (Vulgar and Decimal), Contracted Methods of Computation, Square Root, Interest, Discount, Commission, Insurance, Stocks and Exchange.

**MENSURATION.**—The Rectangle, the Parallelogram, the Triangle, the Circle, the Parallelepiped, the Prism, and the Cylinder.

One examination paper.

NOTE.—The problems proposed at this Examination shall be simple and direct, and in their solution neatness and accuracy will be insisted on.

ALGEBRA.—Elementary Rules; highest common measure; lowest common multiple; fractions; square root; simple equations of one, two and three unknown quantities; indices; surds, quadratics of one and two unknown quantities.

One examination paper.

GEOMETRY.—A.—CONSTRUCTIONS.

To construct a triangle with sides of given lengths.

To construct an angle equal to a given rectilineal angle.

To bisect a given angle.

To bisect a given straight line.

To draw a line perpendicular to a given line from a given point in it.

To draw a line perpendicular to a given line from a given point not in the line.

Locus of a point equidistant from two given lines.

Locus of a point equidistant from two given points.

To draw a line parallel to another, through a given point.

To divide a given line into any number of equal parts.

To describe a parallelogram equal to a given triangle, and having an angle equal to a given angle.

To describe a parallelogram equal to a given rectilineal figure, and having an angle equal to a given angle.

On a given straight line to describe a parallelogram equal to a given triangle, and having an angle equal to a given angle.

To find the centre of a given circle.

From a given point to draw a tangent to a given circle.

On a given straight line to construct a segment of a circle containing an angle equal to a given angle.

From a given circle to cut off a segment containing an angle equal to a given angle.

In a circle to inscribe a triangle equiangular to a given triangle.

To find locus of centres of circles touching two given lines.

To inscribe a circle in a given triangle.

To describe a circle touching three given straight lines.

To describe a circle about a given triangle.

About a given circle to describe a triangle equiangular to a given triangle.

To divide a given line similarly to another given divided line.

To find the fourth proportional to three given lines.

To describe a polygon similar to a given polygon, and with the corresponding sides in a given ratio.

To find the mean proportional between two given straight lines.

To construct a polygon similar to a given polygon, and such that their areas are in a given ratio.

To describe a polygon of a given shape and size.

#### B.—THEOREMS.

The sum of the angles of any triangle is equal to two right angles.

The angles at the base of an isosceles triangle are equal, with converse.

If the three sides of one triangle be equal, respectively, to the three sides of another, the triangles are equal in all respects.

If two sides and the included angle of one triangle be equal to two sides and the included angle of another triangle, the triangles are equal in all respects.

If two angles and one side of a triangle be equal to two angles and the corresponding side of another, the triangles are equal in all respects.

If two sides and an angle opposite one of these sides be equal, respectively, in two triangles, the angles opposite the other pair of equal sides are either equal or supplemental.

The sum of the exterior angles of a polygon is four right angles.

The greater side of any triangle has the greater angle opposite it.

The greater angle of any triangle has the greater side opposite it.

If two sides of one triangle be equal respectively to two sides of another, that with the greater contained angle has the greater base, with converse.

If a transversal fall on two parallel lines, relations between angles formed, with converse.

Lines which join equal and parallel lines towards the same parts are themselves equal and parallel.

The opposite sides and angles of a parallelogram are equal and the diagonal bisects it.

Parallelograms on the same base, or on equal bases, and between the same parallels are equal.

Triangles on the same base, or on equal bases, and between the same parallels are equal.

Triangles equal in area, and on the same base, are between the same parallels.

If a parallelogram and a triangle be on the same base, and between the same parallels, the parallelogram is double the triangle.

Expressions for area of a parallelogram, and area of a triangle.

The complements of parallelograms about the diagonal of any parallelogram are equal.

The square on the hypotenuse of a right-angled triangle is equal to the sum of the squares on the sides.

If a straight line be divided into any two parts, the sum of the squares on the parts, together with twice the rectangle contained by the parts, is equal to the square on the whole line.

The square on a side of any triangle is equal to the sum of the squares on the two other sides + twice the rectangle contained by either of these sides and the projection of the other side on it.

If more than two equal straight lines can be drawn from the circumference of a circle to a point within it, that point is the centre.

The diameter is the greatest chord in a circle, and a chord nearer the centre is greater than one more remote. Also the greater chord is nearer the centre than the less.

The angle at the centre of a circle is double the angle at the circumference on the same arc.

The angles in the same segment of a circle are equal, with converse.

The opposite angles of a quadrilateral inscribed in a circle are together equal to two right angles, with converse.

The angle in a semicircle is a right angle; in a segment greater than a semicircle less than a right angle; in a segment less than a semicircle greater than a right angle.

A tangent is perpendicular to the radius to the point of contact; only one tangent can be drawn at a given point; the perpendicular to the tangent at the point of contact passes through the centre;

the perpendicular from centre on tangent passes through the point of contact.

If two circles touch, the line joining the centres passes through the point of contact.

The angles which a cord drawn from the point of contact makes with the tangent, are equal to the angles in the alternate segments.

The rectangles under the segments of intersecting chords are equal.

If  $OA \cdot OB = OC^2$ ,  $OC$  is a tangent to the circle through  $A$ ,  $B$  and  $C$ .

Triangles of the same altitude are as their bases.

A line parallel to the base of a triangle divides the sides proportionally, with converse.

If a vertical angle of a triangle be bisected, the bisector divides the base into segments that are as the sides, with converse.

The analogous proposition when the exterior angle at the vertex is bisected, with converse.

If two triangles are equiangular, the sides are proportional.

If the sides of two triangles are proportional, the triangles are equiangular.

If the sides of two triangles about equal angles are proportional, the triangles are equiangular.

If two triangles have an angle in each equal, and the sides about two other angles proportional, the remaining angles are equal or supplemental.

Similar triangles are as the squares on corresponding sides.

The perpendicular from the right angle of a right-angled triangle on the hypotenuse divides the triangle into two which are similar to the original triangle.

In equal circle angles, whether at the centres or circumferences, are proportional to the arcs on which they stand.

The areas of two similar polygons are as the squares on corresponding sides.

If three lines be proportional, the first is to the third as the figure on the first to a similar figure on the second.

Questions and easy deductions on the preceding constructions and theorems.

It is recommended that the study of formal demonstrative Geometry be preceded by a course in Practical Geometry, extending over not more than a year, and embracing the following:—

Definitions; fundamental geometric conceptions and principles; use of simple instruments, as compasses, protractor, graduated rule, etc.; measurement of lines and angles, and construction of lines and angles of given numerical magnitude; accurate construction of figures; some leading propositions in plane geometry reached by induction as a result of accurate construction of figures; deduction also employed as principles are reached and assured. At the examination, questions may be given in Practical Geometry, the constructions being such as naturally spring from the prescribed course. Candidates must provide themselves with a graduated ruler, compasses, set-square and protractor.

In the formal deductive Geometry modifications of Euclid's treatment of the subject will be allowed, though not required, as follows:—

The employment of the "hypothetical construction."

The free employment of the method of superposition, including the rotation of figures about an axis, or about a point in a plane.

A modification of Euclid's parallel postulate.

A treatment of ratio and proportion restricted to the case in which the compared magnitudes are commensurable.

One examination paper.

#### **ELEMENTARY EXPERIMENTAL SCIENCE.**

**PHYSICS:** Use of meter rule; use of calipers and vernier for more accurate metric measurements (*e. g.*, diameters of wires, thickness of glass, plates, etc.); numerical calculations in the metric system.

Use of balance.

Specific gravity, by special gravity bottle and hydrostatic balance of liquids and of solids.

Boyle's law; barometer; diffusion of gases.

Use of Fahrenheit and centigrade thermometers; determination of zero and boiling point; boiling point dependent on pressure.

Expansion of solids, liquids and gases; examples.

Specific heat, latent heat; easy numerical examples.

Transmutation of matter; indestructibility of matter.

Solution, precipitation, crystallization and evaporation.

One half examination paper.

CHEMISTRY: Properties of hydrogen, chlorine, oxygen, sulphur, nitrogen, carbon, and their different compounds, especially those of economic and industrial importance.

Mixtures, solutions, chemical compounds, elements, nomenclature, laws of chemical combination, reacting weights, chemical formulæ and equations, with easy numerical examples.

One half examination paper.

## B.

## THE LAW SCHOOL CURRICULUM.

## FIRST YEAR.

*General Jurisprudence*

Holland's Elements of Jurisprudence.

*Contracts.*

Anson on Contracts.

*Real Property.*

Williams on Real Property, Leith's edition.

Deane's Principles of Conveyancing.

*Common Law.*

Broom's Common Law.

*Constitutional History and Law.*

Bourinot's Manual of the Constitutional History of Canada.

Todd's Parliamentary Government in the British Colonies (2nd edition, 1894). The following portions, viz.:

Chap. 2, pages	25 to	63 inclusive.		
“ 3, “	73 “	83 “	“	
“ 4, “	107 “	128 “	“	
“ 5, “	155 “	184 “	“	
“ 6, “	200 “	208 “	“	
“ 7, “	209 “	246 “	“	
“ 8, “	247 “	300 “	“	
“ 9, “	301 “	312 “	“	

*Equity.*

Snell's principles of Equity.

Marsh's History of the Court of Chancery.

*Practice and Procedure.*

Judicature Act and Rules of Practice.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

## SECOND YEAR.

*Criminal Law.*

The Criminal Statutes of Canada.

*Real Property.*

Kerr's Student's Blackstone, Book 2.  
Armour's Real Property.

*Personal Property.*

Williams on Personal Property.

*Contracts.*

Pollock on Contracts.  
Rawlins on Specific Performance.  
Pollock on Partnership.

*Torts.*

Underhill on Torts.

*Equity.*

Snell's Principles of Equity.

*Evidence.*

Powell on Evidence.

*Constitutional Law.*

Clement's Law of the Canadian Constitution.

*Practice and Procedure.*

Statutes, Rules and Orders relating to the jurisdiction, pleading,  
practice and procedure of the Courts.

*Statute Law.*

Such Acts and parts of Acts relating to the above subjects as  
shall be prescribed by the Principal.

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THIRD YEAR.

*Real Property.*

Clerke & Humphrey on Sales of Land.  
Underhill & Strahan on Interpretation of Wills.  
Armour on Titles.

*Criminal Law.*

The Criminal Statutes of Canada.

*Equity.*

Underhill on Trusts.  
 De Colyar on Guarantees.  
 Bell and Dunn on Mortgages.

*Torts.*

Pollock on Torts.  
 Smith on Negligence, 2nd edition.

*Evidence.*

Best on Evidence.

*Commercial Law.*

Benjamin on Sales.  
 Maclaren on Bills, Notes and Cheques.

*Private International Law.*

Foote's Private International Jurisprudence.

*Construction and Operation of Statutes.*

Harcastle's Construction and Effect of Statutory Law.

*Practice and Procedure.*

Statutes, Rules and Orders relating to the jurisdiction, pleading,  
 practice and procedure of the Courts.

*Company Law.*

The Ontario Companies Act, 7 Ed. VII. (Ont.), Cap. 34;  
 6 Ed. VII., Cap. 27.  
 The Companies Act, R.S.C., Cap. 79.  
 The Winding-up Act, R.S.C., Cap. 144.  
 Palmer's Company Law, (1905).

*Municipal Law.*

The Consolidated Municipal Act, 1903.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

NOTE.—In the examinations of all the years students are subject to be examined upon the *matter of the lectures* delivered on each of the subjects of those years respectively, as well as upon the text-books and other work prescribed.

## C

## RESUME OF FEES.

With application for admission as Student-at-Law.....	\$1 00
For Admission as Student-at-Law.....	50 00
With notice of Call to the degree of Barrister-at-Law.....	1 00
On examination for Call.....	100 00
Additional fee in special cases in addition to fee for admission as a Student-at-Law.....	200 00
For admission as a Solicitor.....	60 00
Additional fee in special cases in addition to fee for admission as a Student-at-Law.....	200 00
On every petition to Convocation for special relief.....	2 00
For every certificate of admission as Student-at-Law.....	1 00
For Barrister's diploma.....	2 00
For every other certificate.....	1 00
With every other notice.....	1 00
Law School per term in advance.....	100 00
Barrister's annual term or Bar fee.....	2 00
Solicitor's Annual Certificate.....	15 00

In case any candidate for Call to the Bar, or for a Certificate of Fitness as a Solicitor, fails to pass the necessary examination, or is rejected on any other ground, the fee deposited by him according to the statute or the Rules of the Society, shall be returned to him by the Secretary, less \$10. [*The fee for Final Examinations is not divisible, as the examination covers the qualifications for both Call and Certificate of Fitness. \$20 must be paid for the Christmas Examinations, and the balance of \$140 for the Easter Examinations, in each case not later than two days before the Examinations.*]



