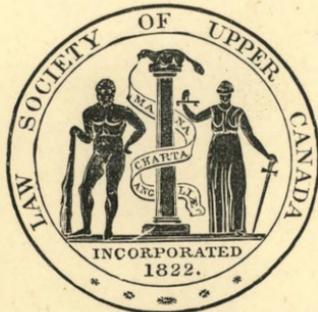


RULES  
OF  
THE LAW SOCIETY  
OF  
UPPER CANADA.

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PASSED IN CONVOCATION, TRINITY TERM,  
50 VICTORIA,  
AND APPROVED BY THE VISITORS OF THE  
SOCIETY.



TORONTO :  
PRINTED BY ROWSELL & HUTCHISON,  
—  
1887.

# Law Society of Upper Canada.

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## Visitors.

THE CHIEF JUSTICE OF ONTARIO.  
THE CHIEF JUSTICE OF THE QUEEN'S BENCH.  
THE CHANCELLOR OF ONTARIO.  
THE CHIEF JUSTICE OF THE COMMON PLEAS, and  
THE JUSTICES OF THE SUPREME COURT OF JUDICATURE FOR ONTARIO.

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## Treasurer.

Hon. EDWARD BLAKE, M.A., Q.C., M.P.

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## Benchers.

*Ex Officio.*

The ATTORNEY-GENERAL OF CANADA for the time being, and every person who has held that office, if a member of the Bar of Ontario, and the ATTORNEY-GENERAL for the time being of Ontario, and all Members of the Bar of Ontario, who have at any time held the office of ATTORNEY-GENERAL OF ONTARIO, or of ATTORNEY-GENERAL or SOLICITOR-GENERAL for that part of the late Province of Canada formerly called Upper Canada, and any retired JUDGE or JUDGES OF THE SUPERIOR COURTS OF LAW AND EQUITY FOR ONTARIO OR OF THE SUPREME COURT OF JUDICATURE FOR ONTARIO.

*Elected.*

(To EASTER TERM, 1891.)

JAMES BEATY, JR., Q.C., Toronto.  
JOHN BELL, Q.C., Belleville.  
B. M. BRITTON, Q.C., Kingston.  
HECTOR CAMERON, Q.C., Toronto.  
W. G. FALCONBRIDGE, Q.C., Toronto.  
J. HARRY FERGUSON, Toronto.  
J. J. FOY, Q.C., Toronto.  
Hon. C. F. FRASER, Q.C., Brockville.  
DONALD GUTHRIE, Q.C., Guelph.  
Hon. ARTHUR S. HARDY, Q.C., Brantford.  
JOHN HOSKIN, Q.C., Toronto.  
A. HUDSPETH, Q.C., Lindsay.  
Æ. IRVING, Q.C., Hamilton.  
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Z. A. LASH, Q.C., Toronto.

E. MARTIN, Q.C., Hamilton.  
 W. R. MEREDITH, Q.C., London.  
 JAMES H. MORRIS, Q.C., Toronto.  
 C. MOSS, Q.C., Toronto.  
 H. W. M. MURRAY, Toronto.  
 D'ALTON MCCARTHY, Q.C., Toronto.  
 F. MACKELCAN, Q.C., Hamilton.  
 JAMES MACLENNAN, Q.C., Toronto.  
 D. McMICHAEL, LL.D., Q.C., Toronto.  
 B. B. OSLER, Q.C., Toronto.  
 Hon. T. B. PARDEE, Q.C., Sarnia.  
 T. H. PURDOM, London.  
 C. ROBINSON, Q.C., Toronto.  
 L. W. SMITH, D.C.L., Toronto.

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Secretary, Sub-Treasurer, and Librarian.

J. H. ESTEN,  
*Barrister-at-Law.*

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TREASURERS OF THIS SOCIETY SINCE ITS FORMATION  
 WITH THE YEARS DURING WHICH THEY RESPECTIVELY  
 HELD OFFICE.

1797	John White.
1798-1801	Robert Isaac Dey Gray.
1801-1804	Angus Macdonell.
1805	Thomas Scott.
1806-1811	D'Arcy Boulton.
1811-1814	William Warren Baldwin.
1815-1817	D'Arcy Boulton.
1818	Sir John Beverley Robinson, Bart.
1819	Henry John Boulton.
1820	William Warren Baldwin.
1821	Sir John Beverley Robinson, Bart.
1822-1823	Henry John Boulton.
1824-1827	William Warren Baldwin.
1828-1829	Sir John Beverley Robinson, Bart.
1829-1831	George Ridout.
1832-1835	William Warren Baldwin.
1836	Robert Baldwin Sullivan.
1836-1840	Robert Simpson Jameson.
1841-1842	Levius Peters Sherwood.
1843-1844	William Henry Draper, C.B.
1845	Robert Simpson Jameson.
1846	Henry John Boulton.
1847	Robert Baldwin.
1848	James Edward Small.
1849	Robert Easton Burns.
1850	John Godfrey Spragge.
1850-1858	Robert Baldwin.
1859	Sir James Buchanan Macaulay, Knt.
1859-1876	John Hillyard Cameron.
1876-1879	Stephen Richards.
1879	Edward Blake.

THE BENCHERS OF THE LAW SOCIETY IN CONVOCATION.  
IN TRINITY TERM, 1ST & 2ND WM. IV., PASSED THE  
FOLLOWING

RESOLUTIONS OF CONVOCATION.

1. *Resolved*—That the Law Society of Upper Canada was established by Act of Parliament of Upper Canada, of the 27th Geo. III., chap. 13.

2. *Resolved*—That under that Act all persons duly entered of the Society and admitted on its Books, whether as Students or Barristers-at-Law, became by such entry and admission, to all intents and purposes whatsoever, Members of the Society.

3. *Resolved*—That by that Act the Society was empowered, with the approbation of the Judges of the Superior Courts as Visitors of the said Society, to make such Rules and Regulations as might be deemed necessary or proper for the government of the Society.

4. *Resolved*—That by a Rule of the Society of Michaelmas Term, 40th Geo. III., Cap. 2, passed by the Society on the 9th day of November, 1799, at a general meeting summoned by letter to all the members, for the express purpose of altering and adding to the Rules and Regulations of the Society, and approved of by the Judges, according to the Statute, on the 16th day of January, 1800, it was provided that the Benchers of the Society for the time being should be considered Governors of the said Society, and have full power to make such Rules and Regulations from time to time as should or might be necessary for the welfare of the Society, subject to the inspection of the Judges.

5. *Resolved*—That by that rule the whole power of making Rules and Regulations for the government of the Society was duly transferred to and vested in the Convocation of Benchers.

6. *Resolved*—That by the Act of the Parliament of Upper Canada of 2nd Geo. IV., Cap. 5, the Rule above mentioned and the proceedings of the Benchers under it were recognized and followed up by a legislative enactment incorporating that portion of the Society in which the power of legislating for the whole body had been so vested.

7. *Resolved*—That while this last-mentioned Act of Parliament confers corporate powers upon the Treasurer and Benchers only, under the corporate name of “The Law Society of Upper Canada,” it does not interfere with the right of membership of persons duly entered of the Society and admitted on its books as Students or Barristers-at-Law, but leaves them members of the Law Society of Upper Canada, though not members of the Corporation of the Law Society of Upper Canada.

8. *Resolved*—That the powers conferred by this last-mentioned Act upon the Treasurer and Benchers, as well as all others with which they have been entrusted, are held by them in trust, and for the benefit of the Society at large, and not for the benefit of the Corporation of the Society only.

9. *Resolved*—That in fulfilling the various and important duties imposed upon it by the Constitution of the Society, the Convocation of the Benchers is frequently called upon to pass Rules for the government of the Society at large; to adopt Resolutions explanatory of the sense entertained by the Benchers of existing regulations, and upon different other matters connected with the profession; to make General Orders for the regulation of its own proceedings as a body; and finally to direct by Particular Orders the executive business of the institution.

10. *Resolved*—That by the Act of Parliament of the 37th Geo. III., Cap. 13, it is provided that the Rules and Regulations for the Government of the Society shall be made with the approbation of the Judges, as Visitors of the Society.

11. *Resolved*—That the Judges have declined either to assent to, or dissent from resolutions of the Convocation, which did not contain provisions for the general government of the Society, expressly on the ground that their authority as Visitors under the statute did not extend to control any such proceedings of the Convocation.

12. *Resolved*—That under the Act of Parliament of the 37th Geo. III., Cap. 13, the approbation of the Judges is necessary only to the “Rules of the Society,” that is, to such regulations as provide for the general government of the Society at large, or, as being general in their operation

contain provision by which persons not members of the Convocation may be directly affected, and such are in no respect binding on the Society, or any member of it, until the Judges of the Province have duly approved thereof according to law.

13. *Resolved*—That, to “The Resolutions of the Convocation,” that is, to such resolutions as are merely explanatory of the sense entertained by the Benchers, of existing rules or regulations, or upon other matters connected with the profession, the approbation of the Judges is in no wise necessary, but such are in every respect effectual for the purposes intended, and binding upon the Society at large, and upon every member thereof without such approbation.

14. *Resolved*—That to “The Standing Orders of the Convocation,” that is, to such regulation of the Convocation as provide merely for the regulation of its own proceedings as a body, the approbation of the Judges is in no wise necessary, but such are in every respect effectual for the purposes intended, and binding upon the Society at large, and upon every member thereof without such approbation.

15. *Resolved*—That to “To the Particular Orders of the Convocation,” that is, to such orders as are given by the Convocation in directing the executive business of the Institution, the approbation of the Judges is in no wise necessary, but such are in every respect effectual for the purposes intended, and binding upon the Society at large, and upon every member thereof without such approbation.

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# RULES

PASSED BY

## THE LAW SOCIETY OF UPPER CANADA,

WITH THE APPROBATION OF THE

### JUDGES OF THE SUPREME COURT OF JUDICATURE.

AS VISITORS OF THE SAID SOCIETY, SO FAR AS ANY OF THE FOREGOING  
RULES IS OR ARE SUBJECT TO APPROVAL OR  
DISAPPROVAL BY THE VISITORS.

*Finally passed in Convocation, Trinity Term,  
50 Victoria.*

(16th Sept. 1887.)

By the Benchers of the Law Society of Upper Canada in Convocation, with the approbation of the Judges of the Supreme Court of Judicature for Ontario, as visitors of the said Society, it is ordained as follows:

#### SECTION I.

##### SEAT OF THE SOCIETY.

1. The permanent seat of the Law Society shall be at Osgoode Hall, in the City of Toronto.

##### CONVOCATION OF BENCHERS.

2. Any five Benchers shall be a quorum.

3. "The terms of the Society shall be the same as provided for by Section 11 of "The Superior Courts of Law Act," (Rev. Statutes of Ontario, Cap. 29,) except that Trinity Term shall begin on the first Monday in September, and shall end on the Saturday of the following week.

[9th June, 1883.]

NOTE —(Hilary Term first Monday in February, lasting two weeks.

Easter Term	third Monday in May,	"	three	"
Trinity Term	first Monday in September,	"	two	"
Michaelmas Term	third Monday in Nov.,	"	three	"

4. The Convocation of the Benchers shall be held at the seat of the Society, in Term time, and on the last Tuesdays in June and December, in vacation, unless such days be holidays when Convocation shall be held on the following day. But special Meetings of Convocation, in case of Emergency, may be convened in Vacation by the Treasurer, upon the requisition of five members. Notices stating the objects of the Special Meeting are to be sent by post to each Bencher at least five days before the day of meeting.

5. Monday, Tuesday, and Saturday of the first week, Friday of the second week, and Saturday of the third week of Term shall be standing Convocation days, and the hour of meeting half-past ten o'clock in the forenoon, unless otherwise ordered, and the Convocation may adjourn from day to day, to any day previous to the next standing Convocation day. The members of the Bench shall appear in Convocation on the first and second days of meeting in each Term in the costume of Barristers appearing in Court.

6. In default of a quorum after the lapse of thirty minutes beyond the hour of meeting, on any Standing Convocation day, or on any adjournment, the Treasurer, or in his absence the Bencher being the senior Barrister present, may adjourn the meeting of Convocation to any other day in the same term, previous to the next standing Convocation day.

7. The proceedings of the Benchers in Convocation shall be conducted as much as may be according to the ordinary Parliamentary mode.

8. No Draft Rule shall pass through more than two readings on the same day, but may pass through all its stages in the same Term, or be continued from Term to Term.

9. After any question is put, no further debate on the question shall be allowed, but the yeas and the nays shall be recorded at the request of any Bencher.

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## ORDER OF PROCEEDINGS IN CONVOCATION.

10. The Order of Proceedings at the ordinary meetings of Convocation shall be as follows:—

1. *On the First Day of Term :*

(1) Reading the Minutes of last Meeting of Convocation.

*See page 13.*

(2) Reports of the Examiners on the Examination of Candidates for Call, received, read, and approved, or otherwise disposed of.

(3) Secretary's Report on standing of Candidates.

(4) Call of Barristers in Convocation.

(5) Reports of the Examiners on the Examination of Candidates for admission as Attorneys, received, read, and approved, or otherwise disposed of.

(6) Reports of the Examiners on the Intermediate Examinations, received, read, and approved, or otherwise disposed of.

(7) Reports of the Committee on Legal Education on the Primary Examinations, received and read.

(8) Reports of Standing or Special Committees received and read, and a time appointed for the consideration or adoption of the same.

(9) Petitions received, read, and referred.

(10) Communications received, read, and disposed of.

(11) Consideration of any other business specially appointed for the First Day of Term.

(12) Motions of which previous notice has been given.

(13) Notices of motion.

(14) Second reading of Draft Rules.

2. *On other Business Days of Convocation*

(1) Reading the Minutes.

*See p 13. 239*

(2) Reports of Committees on Petitions respecting Call of Barristers, admission of Attorneys, or respecting Students or Clerks, or their Examinations ; or on Special Cases under the Rules of June, 1876, and the consideration or adoption of the same.

(3) Reports of Standing or Special Committees, received, read, and a time appointed for the consideration or adoption of the same.

(4) Special Reports from the Examiners or Lecturers.

(5) Petitions received, read, and referred.

(6) Communications received, read, and disposed of.

(7) Consideration of any other business specially appointed for such day.

(8) Motions, of which previous notice has been given.

(9) Notices of motion.

(10) Second readings of draft rules.

11. It shall be the duty of the Secretary, at each meeting of Convocation, to read the minutes of the previous ordinary or special meeting, which, after being approved, shall be signed by the Treasurer, or the Chairman, *pro tem*.

#### PETITION FOR SPECIAL RELIEF.

12. No petition praying for any special relief respecting fees or the examination, or period of study, of any Student-at-Law, or Candidate for Call, as Barrister ; or respecting the service, articles of clerkship, or examination of any articulated clerk, or candidate for Certificate of Fitness ; or respecting any Intermediate or Primary Examination, shall be considered by Convocation, until after having been referred to and reported upon by a Standing or Special Committee ; and every such petition (except a petition respecting fees which is to stand referred to the Finance Committee) shall forthwith on its receipt by the Secretary, stand referred to the Legal Education Committee, and shall be transmitted by the Secretary to the Chairman of that Committee for its report.

## TREASURER.

13. On the first Saturday in Easter Term, the second order shall be the Election of Treasurer pursuant to the Statute.

NOTE.—See Sec. xii. Rule 1 as to election of Committee on the first Saturday in Easter Term.

14. The Treasurer for the time being shall preside in Convocation.

15. In case of the absence of the Treasurer at any meeting, a Chairman, to preside in Convocation, shall be appointed by the Benchers present.

16. Such Chairman shall preside in Convocation at such meeting, and in all things officiate as Treasurer until the next meeting of Convocation during the absence of the Treasurer from Toronto.

17. In case of a vacancy in the office of the Treasurer, or of the Treasurer elect, before entering upon the duties of the office, the Benchers present at the first meeting of Convocation next ensuing the occurrence of such vacancy shall, before proceeding to any other business, elect a Bencher to fill the office of Treasurer until the next statutory election.

18. The Treasurer may, if any unforeseen emergency render it necessary, summon a special meeting of Convocation for any day in Term time by giving notice thereof by telegraph or otherwise, and by fixing such notice in the Library of the Society at least one day previous to the day of meeting. (See form A in Appendix.)

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**SECTION II.**
**THE LAW SCHOOL.**

1. The Law School established in Michaelmas Term, 1881, shall be continued until the last day of Easter Term, 1888.

[28th May, 1886.]

2. The staff of the Law School shall consist of four lecturers who shall be barristers-at-law.

3. The course in the school shall consist of lectures, discussions, and examinations, between the 1st October and the 1st April.

4. The attendance in the school shall be voluntary. The students shall be divided into the junior and the senior classes. Any student or articled clerk not being a University graduate, who shall not have entered his fourth year before the commencement of any term of the school, shall be entitled to admission to the junior class, and every University graduate, being a student-at-law or articled clerk, and every other student-at-law and articled clerk, who shall have passed through the junior class, or entered his fourth year before the commencement of any term of the school, shall be entitled to admission to the senior class.

5. At the end of each term, an examination shall be held by the lecturers upon the subjects of the lectures.

6. The duties of the lecturers shall be to deliver *viva voce* lectures, to prepare all questions for Law School examinations, whether written or oral, to select all questions for discussion, to preside in turn at meetings, unless other arrangements be made by the committee on Legal Education, and to attend all Law School examinations, and report the results thereof to Convocation.

7. The Legal Education committee shall arrange the subjects and books for lectures, the branches to be treated upon by each lecturer; the days and hours for holding lectures and discussions in the Law School during the term; and shall provide as far as practicable, for the delivery of additional lectures by Judges, Benchers, and other members of the profession, and shall have power from time to time to sanction any change of duty among the lecturers.

8. The examiners in law shall, until otherwise ordered, be the lecturers in the Law School, and their salaries shall be two hundred dollars per annum each, in addition to their salaries as Examiners in law; such salaries to be paid quarterly.

9. The lecturer for the time being, who has held the position for the longest period, shall be the chairman of the Law School.

[9th June, 1883.]

10. To entitle students attending the lectures in the school, to be awarded prizes in law books, under the provisions of the rule of the Society as to legal and literary societies, the junior and senior classes shall be deemed two classes of competitors for such prizes, within the meaning of sections 7 and 8 of the said rule, and the other provisions of the said rule shall, so far as necessary, be applicable to students in the school in the same manner as if the lectures and examinations thereon were held under the authority of the said rule; provided, however, that section 9 of said rule is not to take effect during the continuance of the school.

11. The report of the lecturers, of the results of the examinations in the school, shall be deemed proof of the results of the examination within the meaning of section 6 of the said rule.

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### SECTION III.

#### ENCOURAGEMENT OF LEGAL STUDIES.

[27th May, 1881.]

1. The Standing Committee called "The County Libraries Aid Committee," shall have power, subject to the direction of Convocation, to work the plan for encouragement of Legal studies, so far as the Law Society is concerned, and to that Committee all correspondence on the subject shall stand referred, the Finance Committee retaining its control over expenditure.

2. The members of the Law Society in every locality which contains a sufficient number, may form an organization by the name of "The (name of county town, county, or union of counties) Legal and Literary Society," or some similar name.

3. Among the objects of the Association shall be the extension of the legal knowledge and the cultivation of the powers of reasoning, speech, and composition of the members, by the delivery of lectures by barristers on some of the more important branches of the law, and examinations thereon, by the preparation and reading of essays, and by arguments on legal questions.

4. The Association may transmit to the Law Society proof of its formation, with a copy of its rules, and a list of its members, and proof that arrangements have been made for the delivery, during the season, of a course of eighteen or more lectures, at least one hour long, on three or more of the more important branches of the law, by three or more barristers, giving the subjects and the names of the lecturers and proof that arrangements have been made for the holding, by two or more such lecturers, of a written examination, comprising twenty-four or more questions, equally divided among the various subjects of the lectures, such examination to be managed on the same general principles as are applied to the written examinations of the Law Society, subject to such modifications as the Standing Committee may, from time to time, direct. And the Association may thereon apply to be recognized by the Law Society as an Association within the meaning of this plan.

5. The Committee may require such further information and details as shall seem advisable, and may, on being satisfied as to the facts, resolve that the Association be recognized.

6. Any recognized Association may transmit to the Law Society proof that the course of lectures has been delivered to audiences comprising, on the average, twelve or more students; and that the examination has been held and that eight or more students have competed thereat; and proof of the results of the examination.

[29th June, 1886.]

7. In case it appears that any of the competitors have succeeded in obtaining at least three-quarters of the aggregate marks obtainable on all the subjects, and at least one-half of the aggregate marks obtainable in each subject; the first of such successful competitors shall be entitled to

a prize of law books of the value of \$25, the second to a like prize of the value of \$15, and the third to a like prize of the value of \$10.

8. The Standing Committee shall have power, on the application of any recognized Society, to authorize the division of the competitors into two classes, and the division of the prizes in the same way, under such regulations as may be made by the Committee; and in that event the prizes may be given to the value of \$50 in each class.

9. The Osgoode Legal and Literary Society shall be deemed to be a recognized Society within the meaning of this rule; and that the special rule as to prizes for that Society be rescinded.

10. The Standing Committee may in any case require further information, or further evidence on any point connected with the proceedings.

11. The Standing Committee being satisfied that, under the above conditions, any competitor is entitled to a prize, may report thereon to the Finance Committee, stating the facts, and thereon the Finance Committee may authorize the giving of the prize.

12. The Standing Committee shall report to Convocation on the first day of Hilary Term in each year on the operations of the previous year.

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## SECTION IV.

### EXAMINATIONS—NOTICES, &c.

1. There shall be an examination, according to the Rules and Regulations of this Society.

- (1) Of every Candidate for admission on the books of the Society as a Student-at-law.
- (2) Of every Student so admitted becoming a Candidate for call to the Bar.

- (3) Of every Candidate for Articled Clerk.
- (4) Of every Applicant for a Certificate of Fitness for an Attorney or Solicitor.

2. The Examination, for admission on the books as Student-at-law, and for Articled Clerk, shall be conducted by the "Examiner or Examiners for Matriculation," as hereinafter provided.

3. The Examination of Candidates for Call to the Bar shall be partly in writing, by printed or written questions, to be answered in writing, and partly oral, under the supervision of the Examiners.

4. The Examination of Applicants for Certificates of Fitness shall be conducted in like manner.

5. A Graduate in the Faculty of Arts in any University in Her Majesty's Dominions, empowered to grant such Degrees, shall be entitled to admission on the books of the Society as a Student-at-law, upon giving four weeks notice in accordance with the existing rules, and paying the prescribed fees, and presenting to Convocation his Diploma or a proper Certificate of his having received his Degree without further examination by the Society.

[3rd February, 1885.]

6. Any such Graduate who has given four weeks notice in accordance with the rules, and has otherwise complied with the rules of the Society, may, upon presenting to Convocation, at its meeting on the last Tuesday in June in any year, his diploma, or a proper certificate of his having received his degree, be admitted on the books of the Society as a Student-at-law, and such admission shall be taken to be as on the first Monday of Easter Term.

[29th May, 1885.]

7. A Student of any University in this Province, who shall present a Certificate of having passed within four years of his application, an examination in the subjects prescribed in the curriculum for the time being, shall be entitled to admission as a Student-at-Law, or to be passed for an Articled Clerk (as the case may be), on giving the prescribed notice and paying the prescribed fee, without any further examination by the Society.

8. All other Candidates for Matriculation shall give four weeks notice, pay the prescribed fees and pass a satisfactory examination in the subjects and books set forth in the curriculum adopted by Convocation for the time being. (Vide Appendix E.)

[3rd February, 1885.]

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## SECTION V.

### PRELIMINARY EXAMINATIONS.

#### CANDIDATES FOR STUDENTS OF THE LAWS, AND FOR ARTICLED CLERKS.

1. Notice of the intention of any person to apply for admission as a Student-of-the-Laws, or for examination for an Articled Clerk signed by a Benchet, and containing the name, addition, and family residence of the Candidate, must be delivered to the Secretary of the Society, at his office in Osgoode Hall, at least four weeks before the Term in which he seeks admission. (See Form B. in the Appendix.)

[13th February, 1885.]

2. The Fees payable shall be as follows: With notice of intention to apply for Examination, one dollar; On presentation for Examination for Student-of-the-Laws, fifty dollars, and for Articled Clerk, forty dollars.

(a) Any person who has passed the preliminary examination for Articled Clerk on subsequently presenting himself within five years thereafter for examination for Student-at-Law, shall pay, instead of fifty dollars, the sum of ten dollars.

3. On failure to pass the Examination, ten dollars of each examination fee shall be retained, and the rest paid back.

4. Term of service under Articles shall be effectual only from the date of passing Examination.

5. No one who has been admitted as a Student-of-the-Laws shall be required to pass a Preliminary Examination for an Articled Clerk.

6. The Examinations shall be partly in writing and

partly oral, and shall be conducted in Osgoode Hall, by the "Examiner or Examiners for Matriculation," in presence of the Examining Committee, or any two of them; and shall be commenced on Tuesday in the third week next before each Term, at nine o'clock, A.M.; and the same may be adjourned in such manner as may be found convenient.

[26th December, 1882.]

7. In the event of no appointment of Examiner or Examiners being made by the Benchers during any Term, the Treasurer shall appoint an Examiner or Examiners for the next ensuing Examinations.

8. Notice of the day on which the Applicants are respectively required to attend for the purpose of being examined, shall, by the Secretary, be transmitted to them by post as soon as may be after receipt of the notice of application.

9. In case no such notice be received, attendance is to be given on the Tuesday above appointed for entering upon the Examinations.

10. No person shall be admitted as a Student of the Laws or be passed for Articled Clerk who is not of the full age of sixteen years.

11. The Candidate must be presented to the Examining Committee by an instrument in writing, signed by a Barrister of the Ontario Bar, in a form approved of by Convocation.

12. The Secretary shall, as soon as all the notices have been received, make out two lists containing the names, additions, and family residence of all the Candidates, for admission on behalf of whom notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in the Convocation Chamber.

13. It shall be the duty of the Examiner or Examiners to prepare Papers on the subjects prescribed in the curriculum for the time being. Such papers shall be printed for use in the Examinations.

14. Candidates shall also be examined orally in the presence of the Examining Committee in Latin, and in such other of the above mentioned subjects as the Examin-

ing Committee may think proper, or the Examiners recommend.

#### PRIMARY EXAMINATIONS COMMITTEE.

15. The Legal Education Committee shall superintend as well the examinations of Candidates for Admission as Students-of-the-Laws, as the examinations of Candidates for Articled Clerks.

16. Three of the said Committee shall be a quorum for the transaction of business.

17. The said Committee in Concert with the "Examiner or Examiners for Matriculation," are hereby entrusted with the power and duty of superintending the Primary Examination, and of arranging and settling the details thereof, in all respects not provided for by the Rules or Standing Orders of Convocation. The majority of the Examining Committee and the Examiner or Examiners shall determine upon the sufficiency of the examination of every Candidate, and in case of an equality of votes of the Committee and the Examiner the Candidate shall be rejected.

#### CLASSIFICATION.

18. Graduates and Matriculants of Universities respectively shall be classed according to their rank, if Graduates or Matriculants in the same University; or according to the dates of their diplomas, or degrees, or certificates, if Graduates or Matriculants of different Universities.

19. Candidates passed in the other class shall be classed according to their merits.

#### PETITION, PRESENTATION, AND DEPOSIT OF FEES.

20. Every Candidate for admission shall, some convenient time previous to the examination day or on the day on which he is to be examined, report himself to and deposit with the Sub-Treasurer 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 C and D contained in the Appendix: and every Candidate for examination for Articled Clerk only shall do the like; his forms of presentation and petition, however, are to be varied to suit his case.

## REPORT OF THE COMMITTEE.

21. The Committee, by a Report, shall on the first day of the Term next after any Examination had, report to the Convocation the result of such Examination, specifying (when several have been examined) the names of those who have passed, and those (if any) who have been rejected, stating in what branch they were found deficient, and specifying also the order in which those passed have been classed according to the decision of the Committee, except as hereinbefore mentioned; and such report shall, as respects each such Examination, be final, and no objection to the admission of any Candidate so passed shall be raised in Convocation on the ground of his education being deficient.

22. The first Monday of each Term shall be taken to be the admission day of the Students of the Laws who have been examined and reported as passed by the Examining Committee in any term although the report may not have been presented to Convocation upon the first day of the Term.

## ARTICLED CLERKS.

23. Every Articled Clerk presenting himself for either a Preliminary or an Intermediate Examination in any Term, under the Act respecting Attorneys at Law (Revised Statutes of Ontario, chap. 140, sec. 6), shall, on or before the day of Examination, file with the Secretary of the Law Society a certificate signed by such Clerk, stating the date of his articles of Clerkship, and of the filing thereof, the name of the Attorney to whom he was articled, the number of assignments, if any, and the year of his service at the time of signing such certificate, and if he is a graduate of any University, stating the same. The particulars of such certificate shall be entered in a book for that purpose, to be kept by the Secretary; and no certificate shall be received or filed without the payment of one dollar to the Secretary.

NOTE.—The term of Service under Articles to entitle such Articled Clerk to be admitted as an Attorney, shall date only from the passing of the preliminary examination (R. S. O. ch. 140. sec. 6, sub-sec. 1). The Clerk shall therefore be articled to serve until he shall have passed his preliminary examination as an Articled Clerk, and for five years thereafter.

## SECTION VI.

### INTERMEDIATE AND FINAL EXAMINATIONS.

1. The Examinations shall be held in the Examination Hall, unless otherwise ordered by Convocation.

2. There shall be a paper of questions prepared by each of the four Examiners for each of the two Intermediate Examinations.

3. There shall be a recess of one hour in each Intermediate Examination: each Examination shall begin at 9 a.m., and continue until 1 o'clock—then recess—beginning again at 2 p. m., and ending at 5 p.m.; two papers shall be given out, and answers taken up in the morning session, and two in the afternoon session.

4. The First Intermediate Examination in writing shall commence on Tuesday of the second week before Term, at 9 a. m.; the results are to be declared at 12 noon, on Wednesday; the Oral Examination shall be held at 2 o'clock, p. m., of the same day, and the results declared immediately thereafter: the Honor Examinations shall be held on Thursday.

5. The second Intermediate Examination shall commence on Thursday of the second week before Term, at 9 a. m.; the results are to be declared at 12 noon on Friday; the Oral Examination shall be held at 2 p. m., of the same day, and the results declared immediately thereafter; the Honor Examination shall be held on Saturday—and the reports of the Examiners upon all the Intermediate Examinations, are to be sent to the Secretary on the following Monday.

6. On the second day of each Intermediate Examination the Honor and Scholarship Examination shall be conducted in the Examination Hall; and for each of the Honor and Scholarship Examinations a paper of questions shall be prepared by each of the four Examiners, and they shall so manage and regulate the other details of the Examinations as to secure the objects of the Examinations, and the obtaining of the best and truest tests of the qualifications of the Candidates for the standing honors or scholarships to be awarded.

7. The Examination for Certificate of Fitness shall commence on Tuesday before Term at 9 a. m., and the Examination for Call shall commence on Wednesday, before Term, at 9 a. m. ; the results of the Examination for certificate of fitness shall be declared at 2 p. m., on Wednesday : the results of the Examination for Call shall be declared at 2 p. m., on Thursday. The Oral Examinations for Call and for Certificate of Fitness shall be held at 2.30 p. m., on Thursday, and the result shall be declared immediately after ; and on Friday, at 9.30 a. m., the Honor Examinations, in connection with Call, are to be held. The reports of the Examiners upon the Examinations for Call and Certificate of Fitness, and for Honors in connection with Call, shall be handed in to the Secretary not later than 3 p. m., on the Saturday before Term.

[20th December, 1882.]

8. To entitle any Candidate to present himself for honors, he must obtain the number of marks as at present provided by Rules 24 and 25, of Section VI., and those only who are Students or Articled Clerks, and in their regular years or courses of study, are to be entitled to be passed with honors, unless, in any particular cases, Convocation shall see fit to award them.

9. To entitle a Candidate to pass without an oral, he must obtain at least 29 per cent. of the marks obtainable on the paper in each subject, and at least 55 per cent. of the aggregate marks obtainable upon the written examination papers ; and if he shall obtain not less than 50 per cent. of them, he shall be entitled to present himself for an oral.

[29th May, 1885.]

10. For the Oral Examinations, each Examiner shall prepare three questions, (in addition to the papers already required of him), before the commencement of the written Examinations ; and at least two Examiners shall be present during the oral Examinations. Any candidate who shall obtain 33 per cent. of the aggregate of the marks obtainable upon his oral, may be entitled to pass, and those who pass on their oral, are not to be ranked according to merit, but alphabetically.

11. Two Examiners must, without fail, be present during the whole time of the Examinations ; and before the

printing, the Examiners shall meet and submit to each other, the proposed questions to be given at each Examination.

12. Before the Examinations, each Examiner shall assign and mark a value to each question on his own papers; and a copy of the questions so marked, shall be returned to Convocation with the report; and each Examiner shall mark opposite to each answer to his own papers, in numbers, the value he shall assign to it; and all the answers, so marked, shall be returned with the Examiner's report, together with copies of all questions used on the Oral Examinations.

13. That a rota of Elected Benchers, shall be prepared by the Secretary, who is to notify two Benchers, whose turn it is, according to the rota, to attend, or to provide a substitute to attend, on one of the Oral Examinations, so that at least one Bencher may be present at each of the Oral Examinations.

14. After each Examination is completed, the Examiners shall report and certify to Convocation the names of those examined, and whether they have or have not passed such Examination; and in accordance with such report and certificate after adoption by Convocation, the Secretary shall enter against the name of each in the book aforesaid, "Passed," or "Not Passed," with the date of such certificate and when passed, shall give him a certificate to that effect if required.

15. On the Final Examination for Certificate of Fitness the Secretary shall certify whether the Candidate has passed the Preliminary and Intermediate Examinations, and the date of such passing. And any Articled Clerk being also a Student of the Laws, who as such Student-at-Law, has passed the Intermediate Examinations required by the next rule during his studentship, shall be allowed such Examinations as Examinations passed under the Statute, without further Examinations, on a certificate to that effect, by the Secretary of the Law Society.

#### STUDENTS-AT-LAW.

16. Every Student-of-the-Laws entered as such on the books of the Law Society, shall be required to pass two Examinations before the Final Examination for Call to the

Bar. The first of such Examinations in the third year after he has been so entered on the said books, and the second of such Examinations in the fourth year after he has been so entered, unless he be a Student of any University entitling him to call in three years from the date of his admission, and in such case the first of such Examinations shall be in in his second year, and the second of such Examinations within the first seven months of his third year.

[3rd Feb., 1885.]

17. Any Student-of-the-Laws, being an Articled Clerk who, as such Articled Clerk, has passed the Examinations required by the Statute during his Clerkship, shall be allowed such Examinations as Examinations passed, without further Examination or certificate to that effect by the Secretary of the Law Society.

18. Every Student-of-the-Laws shall, on or before the day on which he goes up for Examination, file with the Secretary of the Law Society a certificate signed by him, stating the date when he was admitted on the Books of the Society, and if an Articled Clerk who has passed either or both of the Preliminary Examinations required by the Statute, stating the date or dates when such Examination or Examinations was or were passed, and the Secretary shall enter the said particulars in a book to be kept by him for such purpose, and shall enter in such book against the name of such student, "Passed, or "Not Passed," as the case may be; and no certificate shall be received or filed without the payment of one dollar to the Secretary, unless already paid under Rule 23 of Section V.

19. Every Student-of-the-Laws who has passed the said Examination shall be entitled to receive a certificate from the Secretary to that effect on payment of the fee therefor.

20. Convocation shall have power to alter the time of Examination in any case for special cause.

21. On the Final Examination for Call to the Bar, the Secretary shall certify whether the student presenting himself for such call has passed the Preliminary and Intermediate Examinations, with the dates thereof.

22. The subjects and books for the Intermediate Examinations shall be those mentioned in the Law Curriculum, for the time being. (See Appendix).

23. Candidates for Final Examination are subject to Examination on the subject of the Intermediate Examinations.

#### SCHOLARSHIPS.

24. In each Term the Candidates who obtain at least three-fourths of the marks obtainable on the papers at either of the Intermediate Examinations, and at least one-third of the marks obtainable on the paper on each subject, shall be entitled to present themselves on the following day for a further written examination for honors on the same subjects, embracing the same number of questions, with the same aggregate value of marks obtainable in each subject.

25. The Candidates obtaining at least three-fourths of the aggregate marks obtainable on the papers in both the Pass and Honor Examinations, and at least one-half of the aggregate marks obtainable on the papers in each subject on both Examinations shall be passed with honors, and each Candidate so passed shall receive a diploma certifying to the fact.

26. Of the Candidates passed with honors, the first shall be entitled to a Scholarship of \$100, the second to a Scholarship of \$60, and the third to a Scholarship of \$40, and each scholar shall receive a diploma certifying to the fact.

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## SECTION VII.

### EXAMINATION FOR CALL TO THE BAR, AND FOR CERTIFICATE OF FITNESS.

1. No Student of the Laws upon the Books of this Society shall be called to the Bar until he shall have been five years, or if admitted on the Books of this Society as a Graduate, three years upon the Books; and no Candidate shall be called to the Bar or receive a Certificate of Fitness, unless he be of the full age of twenty-one years, nor without having been previously examined by the Examiners.

2. The written Examinations for Call to the Bar shall take place on the Wednesday of the week next before each Term, and the Oral Examinations on Thursday.

[26th December, 1882.]

3. The Examinations for Certificate of Fitness shall take place on the Tuesday of the same week.

[26th December, 1882.]

4. No Examination shall be had upon any other day unless upon adjournment of all or any Examination not had or completed.

5. The hours for holding the Examinations, and the manner of conducting them, shall be the same as those prescribed for the Intermediate Examinations.

6. The Examiners shall deliver to each respective Candidate a copy of the questions to be by him answered, and each such Candidate shall then and there, under the supervision of such Examiners, frame written answers to such questions, and deliver the same to said Examiners.

7. The answers shall be delivered to the Examiners by 5.30 p.m., on the same day on which the questions are received for answer.

8. The ordinary Examinations prescribed for Call to the Bar shall be passed in all cases where special Acts of the Legislature are obtained for such Call with clauses requiring examination by the Society.

9. The subjects and books for the Examinations for Call and for Certificate of Fitness respectively, shall be those mentioned in the Law Curriculum for the time being for Final Examinations. (See Appendix for present Curriculum.)

NOTICE OF INTENDED APPLICATION FOR CALL.

10. Every Candidate for Call to the Bar, must cause a written notice in the form approved of by the Society, of his intention to present himself for Call, signed by a Benchler to be given to the Secretary at his office in Osgoode Hall, some day in the Term next preceding that on which he intends so to present himself. (Appendix F.)

11. The Secretary shall, on or before the second Saturday of every Vacation, make out two lists containing the names, additions, and residences of all the Candidates for Call, on behalf of whom notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in Convocation Chamber.

12. The Secretary shall, on the first day of every Term, make a report in writing to the Convocation, stating—

- (1) That in the preceding Term notice of Presentation had been properly given for such Candidate.
- (2) The day of the Admission of such Candidate into the Society.
- (3) The Class of the Examination passed by such Candidate at the time of his admission, and
- (4) The Intermediate Examinations passed by such Candidate.

PRESENTATION FOR CALL.

13. Every Candidate for Call to the Bar must be presented to the Convocation by an instrument in writing signed by a Barrister of Ontario, (see form J in Appendix) and execute a bond to the Society, with certificate in the forms H and I, contained in the Appendix.

## BONDS TO BE GIVEN BY BARRISTERS.

14. Every Candidate shall, previous to his Call to the Bar, give a bond to the Corporation in the penal sum of four hundred dollars, with two responsible sureties to be approved of by the Sub-Treasurer, with a condition in the terms and to the effect of the form contained in the appendix.

15. Every member of the Society shall, after his Call to the Bar, pay to the Society, through its Sub-Treasurer, a Term fee of \$2 per annum, payable during Michaelmas Term in each year.

## DEPOSIT OF PETITION, PRESENTATION, BOND, AND FEES.

16. Every Student upon the Books of the Society, being a Candidate for Call to the degree of Barrister-at-Law, whose period of standing on the Books entitling him to present himself, has expired or will expire during the ensuing Term, shall on or before the third Saturday preceding the Term in which such Candidate petitions to be called, report himself to, and deposit with, the Sub-Treasurer, at Osgoode Hall, his presentation and bond, and the amount of fees payable on being called; and the Sub-Treasurer's receipt for such fees shall be sufficient to entitle the Student to appear before the Examiners, and to be by them examined for Call.

17. He shall, at the same time and place, deposit with the Sub-Treasurer his petition for Call, which petition shall contain a statement of his age, of the day on which the period of his standing on the books, necessary to entitle him to be called to the Bar, expired or will expire, the Intermediate Examinations he has passed, and the names of the persons under whose superintendence he has received his professional education, according to the form J. contained in the Appendix, which shall be deposited with the Sub-Treasurer at least fourteen days before the first day of the Term the Student shall desire to be a Candidate.

18. No candidate for Call or for Certificate of Fitness, who shall have omitted to leave his petitions and all his papers and fees with the Sub-Treasurer, on or before the third Saturday preceding the term, as by the rules required, shall be called or admitted except after report upon a petition by him presented, praying special relief on special grounds.

[2nd September, 1882.]

19. Every member of the Society on the Common Roll being a Candidate, for Call to the Bar shall, when passed, be admitted to the Degree of Barrister in the order of his precedence on the Common Roll, unless the Convocation, at the time of his Examination being passed, otherwise order, and every Candidate for Call to the Bar, by virtue of his having been called to any other Bar, shall, when called, take precedence next after the members of the Society of longer standing on the books called upon the same day.

20. Every gentleman, upon his being called to the Bar, shall appear before the Convocation in the costume of a Barrister appearing in Court, for the purpose of his being presented to the Superior Courts; and he may be so presented by any Benchers present in Court.

21. The form of the Diploma of Barrister-at-Law of the Society, shall be in the Form K. in the Appendix.

22. In case a quorum of five Benchers do not attend in Convocation on any day, or any adjournment thereof, the Benchers present, (being not less than three), may, after the lapse of half an hour beyond the hour appointed for the meeting, proceed in the name and on the behalf of the Society, to dispose of any application for admission on the books as students, or of any application for Call or for Certificate of Fitness, by any persons whose petitions stand regularly on the order of such day to be proceeded with, and may hold and dispose of examinations and applications as such Benchers deem proper; and the action of such Benchers thereon, shall have the like validity and effect as if the same had been disposed of in full Convocation.

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## SECTION VIII.

## HONOR EXAMINATIONS AND REWARDS OF MERIT IN CONNECTION WITH CALL TO THE BAR.

1. The persons who obtain at least three-fourths of the marks obtainable on the papers at the Examination for Call, and at least one-third of the marks obtainable on the paper on each subject, shall be entitled to present themselves on the following Friday for a further written Examination for Honors in the same subjects, embracing the same number of questions, with the same aggregate value of marks obtainable in each subject.

[26th December, 1882.]

2. The persons obtaining at least three-fourths of the aggregate number of marks obtainable on the Papers in both the Pass and the Honor Examinations, and at least one half of the aggregate marks obtainable on the Papers in each subject in both Examinations, shall be called with Honors, and the Diploma of each person so called shall certify to his Call with Honors.

3. Of the persons called with Honors the first three shall be entitled to Medals, on the following conditions :

*The First* : if he has passed both Intermediate Examinations with Honors, to a Gold Medal otherwise to a Silver Medal :

*The Second* : if he has passed both Intermediate Examinations with Honors, to a Silver Medal, otherwise to a Bronze Medal :

*The Third* : if he has passed both Intermediate Examinations with Honors, to a Bronze Medal.

4. The Diploma of each Medallist shall certify to his being such Medallist.

5. The passing of the Intermediate Examination (prior to the 26th December, 1882,) taken without an Oral, shall be deemed equivalent to passing such Examination with Honors within the meaning of the foregoing rule.

## SECTION IX.

### CALL OF BARRISTERS IN SPECIAL CASES UNDER REVISED STATUTES, ONTARIO, CHAPTER 138, SECTION 38.

[29th December, 1885.]

1. The following persons may, as special cases, be called to practise at the Bar in Ontario:

(1) Any person who has been duly admitted and enrolled, and has been in actual practice as a Solicitor of the Supreme Court of Judicature for Ontario, or an Attorney or Solicitor in the Superior Courts of any of the other Provinces, of the Dominion in which the same privilege is extended to Solicitors of the Supreme Court of Judicature for Ontario.

(2) Any person who has been duly called to the Bar of England, Scotland, or Ireland (excluding the Bar of merely local jurisdiction), when the Inn of Court or other authority having power to call or admit to the Bar by which such persons was called or admitted, extends the same privilege to Barristers from Ontario on producing sufficient evidence of such call or admission, and testimonials of good character and conduct to the satisfaction of the Law Society.

(3) Any person who has been duly called to the Bar of the Superior Courts of any of the other Provinces of the Dominion in which the same privilege is extended to Barristers of Ontario.

2. Every such person, before being called to the Bar, shall furnish proof:

(1) That notice of his intention to apply for Call to the Bar was given during the term next preceding that in which he presents himself for Call and was also published for at least two months preceding such last mentioned term in the *Ontario Gazette*.

(2) That he was duly admitted and enrolled and has been in actual practice as an Attorney or Solicitor as mentioned in sub-section 1 of Rule 1 of Section IX. ; and that he still remains duly enrolled as such and in good standing and that since his admission as aforesaid no adverse application has been made to any Court or Courts

to strike him off the Roll of any Court or otherwise to disqualify him from practice as such Attorney or Solicitor, and that no charge is pending against him for professional or other misconduct.

(3) Or that he was duly called to and is still a member in good standing of the Bar, as mentioned in Rules 2 and 3 of Section IX., and that since his Call no adverse application has been made to disbar or otherwise disqualify him from practice at the Bar of which he claims to be a member, and that no charge is pending against him for professional or other misconduct.

(4) That he has passed one or more Examinations as hereinafter prescribed.

3. An Attorney or Solicitor of at least five years standing on the Rolls of any of the Courts mentioned in the said Rule 1, of Section IX., shall be examined with the ordinary Candidates for Call in the subjects prescribed for the final Examination of Students-of-the-Laws.

4. An Attorney or Solicitor under five years standing on the rolls of any of the Courts, mentioned in the said Rule 1, of Section IX., shall be examined with Candidates for Admission in the subjects prescribed for the Primary Examinations of Students-of-the-Laws, and with the ordinary Candidates for Call in the subjects prescribed for the final Examination of Students-of-the-Laws, and such Examinations may be passed at the one term or otherwise, as the Candidates may desire.

(1.) A Barrister as mentioned in Rules 2 and 3, of Section IX., shall pass such Examination as may be prescribed for Call at the time of his application.

5. The fees payable by such Candidates for Call to the Bar in addition to the ordinary fees payable for Admission and for Call, shall be the sum of two hundred dollars.

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**SECTION X.****CERTIFICATE OF FITNESS FOR ADMISSION AS SOLICITORS.**

1. All applications for Certificates of Fitness for admission as a Solicitor under the Act shall be by petition in writing, addressed to the Benchers of the Society in Convocation, and every such petition, together with the documents required by, and the fees payable to this Society under the said Act, or under the rules of the said Courts, or those of the Society, shall be left with the Secretary of the Society at Osgoode Hall, on or before the third Saturday next before the Term in which such a petition is to be presented, and the Sub-Treasurer's receipt for such fees shall be sufficient authority to the "Examiners" to examine the applicant by written or printed questions.

2. Every Candidate for a Certificate of Fitness as a Solicitor under the said Act shall, with his petition for such certificate, leave with the Secretary of the Society at Osgoode Hall, answers to the several questions set forth in the Schedule "A," rule 6 of this section and also answers to the questions set forth in the Schedule "B," rule 7 of this section signed by the Solicitor with whom such Articled Clerk has served his clerkship, together with the certificate in the said last mentioned schedule also contained.

3. In case any such Candidate at the time of leaving his petition for Certificate of Fitness and papers, with the Secretary of the Society as hereinbefore provided, proves to the satisfaction of the said Secretary, that it has not been in his power to procure the answers to the questions contained in the said schedule "B," from the Solicitor with whom he may have served any part of the time under his articles, or from the agent of such, or the Certificate of Service therein also contained, the said Secretary shall state such circumstances specially in his report to Convocation on such Articled Clerk's petition.

**EXAMINATION FOR CERTIFICATE OF FITNESS.**

4. Candidates for Certificate of Fitness shall be examined in writing, and orally, in like manner as Candidates for Call simply.

5. The Secretary shall report upon the petition of every Candidate for Certificate of Fitness, and such report, together with the petitions and documents to which they refer, shall be laid on the table of Convocation on the first day of term; he shall also make a Supplementary Report upon the articles of clerkship when received by him, of applicants whose term of service expires during the Term.

#### SCHEDULE "A."

6. The following questions are to be answered by the Clerk himself :

1st. What was your age at the date of your articles ?

2nd. Have you served the whole term of your articles at the office where the Solicitor or Solicitors to whom you were articed or assigned carried on his or their business ? And if not, state the reason.

3rd. Have you, at any time during the term of your articles, been absent without permission of the Solicitor or Solicitors to whom you were articed or assigned ? And if so, state the length and occasion of such *absence*.

4th. Have you, during the period of your articles, been engaged or concerned in any profession, business, or employment other than your professional employment as Clerk to the Solicitor or Solicitors to whom you were articed or assigned ?

5th. Have you, since the expiration of your articles been engaged or concerned, and for how long a time in any, and what profession, trade, business, or employment, other than the profession of a Solicitor ?

#### SCHEDULE "B."

7. The following questions are to be answered by the Solicitor, or his Agent with whom the Clerk may have served any part of the time under his articles, with the Certificate of such Solicitor, or Agent :

1st. Has A. B. served the whole term of his articles at the office where you carry on your business ? And if not, state the reason.

2nd. Has the said A. B., at any time during the term of his articles, been absent without your permission? and if so, state the length and occasion of such *absence*.

3rd. Has the said A. B., during the period of his articles, been engaged or concerned in any profession, business, or employment other than his professional employment as your articulated clerk?

4th. Has the said A. B., during the whole term of his clerkship, with the exceptions above-mentioned, been faithfully and diligently employed in your professional business of a Solicitor?

5th. Has the said A. B., since the expiration of his articles, been engaged or concerned, and for how long a time in any, and what profession, trade, business, or employment other than the profession of a Solicitor?

6th. And I do hereby certify that the said A. B. has duly and faithfully served under his articles of clerkship (or assignment as the case may be) bearing date, &c., for the term therein expressed; and that he is a fit and proper person to be admitted as a Solicitor.

8. No Certificate of Fitness shall be signed or issued to the parties entitled till after the rising of Convocation on the day on which Convocation shall have ordered that they should receive their Certificate unless it shall be convenient for the Treasurer, or Chairman for the time being of Convocation to sign the same before the rising of Convocation on that day.

9. The applicants for Certificates of Fitness of the class contemplated by section 3 of chapter 140 of the Revised Statutes of Ontario, shall be examined on the statute laws of the Province of Ontario, including the Judicature Act, before a Committee of Benchers to be appointed by Convocation; and, upon passing such examination, they shall be reported to the High Court of Justice as having passed an examination in pursuance of the said section; and such applicants may apply to Convocation to be allowed to pass such examination, before applying to the Court to be admitted as Solicitors; and the fees payable by such applicants shall be the same as those payable by applicants for Certificates of Fitness who come up in the ordinary way.

10. No person bound by articles of clerkship to any Solicitor, shall, during the term of service mentioned in such articles, hold any office or engage in any employment whatsoever, 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.

[6th June, 1885.]

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## SECTION XI.

### ADMISSION OF SOLICITORS IN SPECIAL CASES, UNDER REVISED STATUTES, ONTARIO, CHAP- TER 138, SECTION 41.

[29th December, 1885.]

1. The following persons may, as special cases, be admitted and enrolled as Solicitors of the Supreme Court of Judicature for Ontario :

(1) Any person who has been duly called to practice at the Bar of Ontario, or in any of the Superior Courts not having merely local jurisdiction, in England, Ireland, or Scotland, or in the Superior Courts in any of the other Provinces of the Dominion.

(2) Any person who has been duly admitted and enrolled as a Solicitor of the Supreme Court of Judicature in England, or as a Solicitor of the Court of Judicature in Ireland, or as a Writer to the Signet, or a Solicitor in the Superior Courts of Scotland, or as an Attorney or Solicitor of any of Her Majesty's Superior Courts of Law or Equity in any of Her Majesty's Colonies wherein the Common Law of England is the Common Law of the land.

2. Every such person before being admitted to practise as a Solicitor, shall after complying with the provisions of Revised Statutes of Ontario, chapter 140, section 7, furnish proof :

(1) A Barrister as mentioned in Rule 1 of Section XI., that he was bound by a contract in writing to a practising

Solicitor to serve, and has served him as his articled clerk for the period of three years.

(2.) An Attorney, Solicitor, or Writer (as mentioned in sub-section 2 of Rule 1 Section XI.), that he was bound by a contract in writing to a practising Solicitor in Ontario to serve, and has served him as his Articled Clerk for the period of one year.

(3.) That he has passed the usual examination in the subjects prescribed for the examination of Candidates for Certificate of Fitness to practise as Solicitors of the Supreme Court of Judicature for Ontario.

(4.) That notice of his intention to apply for admission as such Solicitor, was given during the term next preceding that in which he presents himself for Examination and admission, and was also published for at least two months preceding such last-mentioned Term in the *Ontario Gazette*.

3. The fees payable by such Candidates for admission to practise, in addition to the ordinary fees for articled clerks and for admission, shall be the sum of two hundred dollars.

NOTE.—Applicants will also observe the requirements of R. S. O. ch. 140.

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## SECTION XII.

### COMMITTEES.

1. The following "Standing" Committees shall be annually elected on the first Saturday in Easter Term, and shall hold office until the appointment of their successors:—

- |                     |                           |
|---------------------|---------------------------|
| 1. Finance.         | 5. Discipline             |
| 2. Library.         | 6. Journals and Printing. |
| 3. Reporting.       | 7. County Libraries Aid.  |
| 4. Legal Education. |                           |

2. Each Standing Committee shall consist of nine members in addition to the Treasurer who shall be ex-officio a

member of all Standing Committees, and three members of any Committee shall constitute a quorum, unless otherwise specially ordered.

3. Any Committee of Convocation may sit in Vacation as well as in Term time, and may adjourn from time to time.

4. Any vacancy in any Committee shall be filled up at the first business meeting of Convocation held after the occurrence of such vacancy.

5. Each Standing Committee charged with the management of business affecting the finances of the Society, shall annually prepare an estimate of the probable receipts and expenditure for the year in respect of their branches of the business. Such estimates shall be submitted to the Finance Committee during the Vacation prior to Hilary Term in each year, and the Finance Committee shall report thereon to Convocation with its own observations.

#### COMMITTEE OF FINANCE.

6. The Committee of Finance shall be charged with the management of the Finances of the Society, and all matters relating to its resources and expenditure, and may appropriate from time to time such sums as may be required for expenditure by other Standing Committees, and shall certify such other accounts as may be incurred, and order their payment.

7. The whole executive management and control of those portions of Osgoode Hall, and the grounds attached thereto, in the exclusive occupation of the Society shall be vested in the Finance Committee, subject to the orders and supervision of the Benchers in Convocation.

8. The Finance Committee may make any arrangements that may be deemed advisable for increased accommodation for Examinations.

9. The annual statement of receipts and expenditure shall be printed, and in accordance with R. S. O. cap. 138 sec.48, a copy of such statement shall be sent by mail with the first number of the current Reports, to every practitioner who has taken out his certificates.

## LIBRARY COMMITTEE.

10. It shall be the duty of the Library Committee to assume the general supervision and management of the Library, and to purchase books therefor, as in their judgment may be necessary.

11. The Secretary shall have the immediate and general charge of the Library, under the superintendence of the Library Committee.

12. The Library Committee may expend annually in the purchase of books, for the use of the Library, such sum as may be recommended in the estimates to Convocation, and the Treasurer and Sub-Treasurer are hereby authorized to pay the amount as from time to time required by the Committee.

## THE LIBRARY.

13. The following shall be the Standing Orders for the regulation of the Library:—

(1) The Library shall be kept open for the use of the members of the Law Society :

(a) During any sittings of the Courts and in Term time daily, except Sundays and Holidays, from nine o'clock, A.M., until five o'clock, P.M., or until the Courts rise, if sitting at five o'clock.

(b) In Vacation daily, except Saturdays, Sundays, and Holidays, from nine o'clock, A.M., until five o'clock, P.M., except in the Long and Christmas Vacations, when it shall be opened at ten A.M., and closed at three o'clock, P.M.

(c) On Saturdays it shall be opened at half-past nine, A.M., and closed at three P.M.

(2) No conversation shall be carried on in the Library.

(3) No person shall bring his hat into the Library, nor place his greatcoat, cloak, &c., on any table, or chair therein.

(4) No book shall be carried out of the Library, except under the circumstances authorized by order of Convocation.

(5) It shall be the duty of every salaried officer of the Society using a book to restore it to its place in the Library, immediately after using the same.

(6) It shall be the duty of the Librarian to enforce and to report to Convocation in Term, any infringement of the Rules or Orders of the Society for the Regulation of the Library.

(7) It shall be the duty of the Librarian, under the direction of the Library Committee, to procure and place in the Library, from time to time, the reports of the Supreme Court of Judicature in England, and such other books as the Committee shall order.

(8) The County Court Judges of the Province of Ontario shall have the privilege of using the Benchers' rooms while at Osgoode Hall.

(9) The Judges of the Supreme Court of Judicature, the Master in Chancery, the Clerk of the Crown and Pleas of the Court of Queen's Bench, and the Referee in Chambers, shall be at liberty to take books from the Library, upon application to the Librarian, and any member of the Law Society requiring the use of any book upon the argument of a case in Osgoode Hall, shall be at liberty to have such book, upon application to the Librarian, such book to be returned to its place in the Library immediately after the close of the argument for which it may have been required. Books taken from the Library in pursuance of this rule to be in all cases returned the same day, and any person taking any books from the Library otherwise than upon such application, or failing to return the same in the manner hereby directed, to forfeit the benefit allowed by this rule, until restored thereto by order of Convocation or of the Treasurer.

(10) For the application to the Librarian mentioned in the last sub-section, it shall be sufficient to enter the name and volume of the book required and of the person taking the same in a register book, which shall be kept in the Library for that purpose.

14. The Library shall be heated and lighted at the expense of the Society, according to any arrangements which may be from time to time made by the Committee of Finance.

## COUNTY LIBRARIES.

[28th November, 1884.]

15. "Until further ordered, Branch Law Libraries for the use of the Courts and the Profession may be established and maintained in any county town, or in exceptional cases in such other place in the county as Convocation may allow, on the following conditions :"—

(1) To "The County Libraries Aid Committee," shall stand referred all correspondence on the subject, and the Committee shall have power, subject to the directions of Convocation, to work the scheme so far as the Society is concerned ; the Finance Committee retaining its control over expenditure.

(2) The Practitioners in any county or union of counties may form a Library Association, under chapter 168 of the Revised Statutes of Ontario, by the name of "The (name of the county town or the county, or union of counties), Law (or Law Library) Association."

(3) It shall be provided by the Constitution of the Association, that

- (a) The Trustees thereof shall hold all the books thereof in trust, in case of the dissolution or winding-up of the Association, or the disposal of its property, to satisfy and repay to the Law Society all sums advanced by the Society to the Association.
- (b) That a room for the custody and use of the books, and proper arrangements for their custody, shall be provided if possible in the Court House.
- (c) That the books shall be for the use of the Judges of the county and of those Practitioners who become members of the Association and pay the prescribed annual and other fees, and also for use, during Courts and hearings before the Master in Chancery, of the Judges, and of all members of the Profession residing out of the county.

- (d) That the prescribed annual and other fees shall not exceed for those Practitioners who do not keep offices in the county town, or in the town in which the Library is kept, one-half of the amount fixed for those who do keep offices in the county town.
- (e) That at least one-half of the said fees and the whole of the aid at any time granted by the Law Society, shall be applied in the purchase, binding, and repairing of the books for the Library, and in payment of the salary of a librarian or caretaker to such an amount as may be approved of by the County Libraries' Aid Committee.
- (f) That the Association shall make an annual report to the Law Society, shewing the state of its finances, and of its Library for the fiscal year, which shall commence on 1st January, and end on 31st December of each year, with such other particulars as may be required by the Standing Committee.

(4) The Association shall transmit to the Law Society proof of its Incorporation, and a copy of its declaration and By-laws containing the above provisions, and proof of the condition of its funds and Library; and proof that it has acquired a suitable room therefor, with such other particulars as may be required by the Standing Committee.

16. The Standing Committee being satisfied that the conditions above named have been complied with, may report thereon to the Finance Committee in all cases in which applications have been received prior to 1st November, 1884, stating the amount to which, on the principle hereinafter stated, the Association is entitled, and thereupon the Finance Committee may authorize payment thereof. That in all cases in which application shall be received after 1st November, 1884, such applications shall be referred to Convocation to be dealt with as the state of the finances may permit, and Convocation shall see fit.

17. It being expedient to grant more liberal aid to libraries during the early years after their institution, the grant in aid from the Society shall be for the initiatory or first grant an amount double the amount of the contribu-

tions in money actually paid, or of the value of books actually given, from all local sources, such grant, however not exceeding a maximum sum of twenty dollars for each practitioner in the county or union of counties; and for each year thereafter an amount equal to the amount of the fees actually paid to the Association by its members, such grant, however, not exceeding a maximum sum of five dollars in respect of each paid subscription.

18. This rule shall extend to existing Library Associations.

19. In case the contributions in money or books made to any existing Library Association and to be taken into account in estimating the amount of its first grant, have been insufficient to entitle it to the maximum first grant, hereby provided, it shall be competent to supplement such contributions at any time before the 1st May, 1885, and on evidence thereof being supplied, such Association may receive the balance coming to it in respect of the maximum first grant under this rule.

20. All annual grants shall be payable within one month after the 31st day of December in each year, provided the required reports and information have been supplied within fifteen days thereafter, and provided that the association shall have taken due and proper care of the books, and shall have maintained and kept the Library in the Court House or other place approved of by Convocation, in a proper state of efficiency, and have in all other respects complied with the requirements of the rules adopted from time to time by Convocation in relation to County Libraries, and in case of default, the annual grant shall be suspended either in whole or in part, during such default at the pleasure of Convocation, provided that if the default shall consist merely of delay in supplying the requisite reports and information, the annual grant may be paid within three months after the receipt thereof, if so ordered by the County Libraries and Finance Committees.

[4th December, 1886.]

21. The Standing Committee shall report to Convocation on the 1st day of Hilary Term in each year, on their operations for the previous year.

22. Whenever any Library Association, which has been established for two years and has regularly made the re-

quired return, and complied with the requirements of the rules, shall make it appear to the satisfaction of Convocation that such Association is unable to purchase such reports or text books as are necessary to make the library thoroughly efficient and useful, having regard to the locality in which the library is established, and the number of practitioners who are members thereof, Convocation may, on the report of the County Libraries Aid Committee, make a special grant either of books or money to such Association, or may advance, by way of a loan without interest, to such Association any sum not exceeding the estimated amount of the next three years' annual grants, and such loan shall be repaid out of future annual grants in such manner as Convocation shall direct; provided that security shall be given to the satisfaction of Convocation for the due expenditure of any money grant or advance.

23. An Inspector of County Libraries shall be appointed by Convocation. The duty of the Inspector shall be to report to Convocation annually on the condition of the books in each library, the custody thereof, the fitness of the rooms used for the Libraries, and the manner in which the Library is maintained, and such other matters as he shall be required by the County Libraries Aid Committee or by Convocation.

The Inspector shall be paid \$—— for each annual report on each library, and Convocation may authorize the payment of such proportion, not more than one-half of the salary of the librarian of any Library Association, which may be reported on satisfactorily by the Inspector.

24. Convocation may furnish to each Library such number of books for the use of Students as may be required, the books so furnished to be kept by the librarian of each Association, and Students allowed to use the same on similar conditions to those in force from time to time in regard to similar books at Osgoode Hall.

[4th December, 1884.]

#### DISCIPLINE.

25. Whenever any complaint shall be made to the Law Society, charging any barrister, solicitor, student, or articled clerk with misconduct as defined by the Act 44, Victoria, chap. 17, entitled "an Act to extend the powers of the Law Society of Upper Canada," such complaint shall be reduced

to writing, and shall be submitted to convocation at its next meeting, and in case convocation shall be of opinion that a *prima facie* case has been shewn, the matter shall be sent to the Discipline Committee for investigation ; and the said Committee shall thereupon send a copy of the complaint to the party complained of, and shall notify in writing the complainant and party against whom the complaint has been made, of the time and place appointed for such investigation ; and the said Committee shall, at the time and place appointed, proceed with the investigation, and shall reduce to writing the statements made and evidence adduced by the parties, or of such of them as shall appear pursuant to such notice, and shall submit the same, together with all books and papers relating to the matter, with their views thereon, to Convocation, who shall take such action thereon, as to Convocation shall seem just and meet, provided that no Barrister shall be disbarred, nor Attorney deprived of his certificate, without a two-thirds majority of Benchers then present in Convocation, which shall consist of not less than fifteen members.

And in case the parties or any of them, fail to appear pursuant to notice at the time and place appointed, the said Committee may thereupon proceed with said investigation in their absence. Provided always, that it shall be competent for Convocation, to refer the matter to the Discipline Committee to consider and report whether a *prima facie* case has been shewn.

[27th February, 1881.]

#### COMMITTEE ON JOURNALS.

26. The proceedings of Convocation during each Term shall be printed under the superintendence of a Standing Committee to be appointed during Easter Term of each year at the same time as the other Standing Committees of Convocation.

#### INDEX OF MINUTES.

27. An index to the Minutes of Convocation shall be prepared after each Term.

#### COMMITTEE ON REPORTING.

28. The Committee shall see that the duties of the Reporters are discharged, and that the Reports are pub-

lished in accordance with the Statutes and the Rules of the Law Society relating thereto, and shall report any default to Convocation.

DISTRIBUTION OF REPORTS.

29. The Secretary shall subscribe for eight copies of the Reports of the Supreme Court of Canada for the Osgoode Hall Libraries, and one copy for each of the County Libraries, to be supplied at the expense of the Society.

30. A copy of the Ontario Reports published by the Society, shall be supplied at the expense of the Society. to

(1) Each of the Judges of the Supreme Court of Canada.

(2) The Judges' Library of the Supreme Court of Canada.

(3) The Registrar of the Supreme Court of Canada.

(4) Each of the Judges of the Supreme Court of Judicature for Ontario.

(5) The Judges' Libraries of the Supreme Court of Judicature for Ontario.

(6) Each of the Judges of the County Courts in Ontario.

(7) Each Solicitor who has taken out his Certificates.

(8) Each of the County Libraries receiving aid from the Society.

(9) The Master in Chambers of the Supreme Court; and an additional copy to such County Libraries where the County Law Association has fifty or more members who have paid their subscriptions, such additional copy to be supplied from and inclusive of the first volume of the present series of Appeal, Ontario, and Practice Reports, respectively.

[4th December, 1886.]

(10) The Master in Ordinary of the Supreme Court, and the Registrar of the Chancery Division of the High Court of Justice and the additional Official Referee of the High Court of Justice specially appointed under sub-sec. 2 of sec. 63 of the Judicature Act.

(11) The Master of Titles.

31. By paying fifteen dollars to the Secretary during Michaelmas Term, of any year, any Student or Articled Clerk shall become entitled to receive the numbers of the Ontario Reports, the Ontario Appeal Reports, and the Ontario Practice Reports published by the Society during the ensuing year in the same manner as members of the profession.

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## SECTION XIII.

### REPORTERS.

1. It shall be the duty of the Editor to determine what decisions ought to be published, to peruse and settle the reports thereof prepared by the Reporters, and to superintend the preparation and publication of such decisions. He is also to make such arrangements with the Judges and officers of the Courts that a report of all important decisions may be secured to the profession; and he shall oversee the whole work of reporting, so as to secure its efficient and prompt execution.

2. It shall be the duty of Reporters to attend their respective Courts personally, and to prepare a report of each important case, including the arguments of counsel, the authorities cited, and the judgment (whether oral or written), and to furnish the same without delay to the Editor.

3. It shall also be the duty of the Reporters, under the direction of the Editor, to deliver the reports in fair legible manuscript to the printers, to read and correct the proof, and to see them through the press with despatch.

4. It shall also be the duty of the Reporters to prepare and furnish short notes of all important decisions for early publication, under such regulations as may from time to time be made by Convocation.

5. Every report shall state the short style of the action or proceeding, the Judge or Judges who presided, the Counsel and Solicitors for the parties, and the date of the argument, and of the judgment.

6. The reports shall be issued in three series, in volumes to be numbered consecutively. The first series shall consist of decisions of the Court of Appeal, and shall be called "The Ontario Appeal Reports; the second shall consist of decisions of the High Court of Justice, and shall be called "The Ontario reports;" and the third shall consist of decisions in the Court of Appeal and in the High Court of Justice, on questions of practice, and shall be called "The Ontario Practice Reports."

7. The Appeal and Practice Reports shall respectively be issued as nearly as possible in monthly numbers, and the Ontario Reports in semi-monthly numbers, but so as no case shall remain unpublished for more than two months after judgment, and the volumes shall be of the same size, and in the same style as heretofore, with index and digest.

8. The Editor and Reporters shall also, if and whenever required by Convocation, prepare and publish decisions in contested election cases, under such regulations as may from time to time be made by Convocation.

9. The Editor and Reporters shall also prepare and publish a Triennial Digest of the Reports published by the Society, including appeals from Ontario to the Supreme Court of Canada, and the Privy Council. The materials for the Digest shall be prepared *pari-passu* with the Reports, so that it may be published promptly at the end of each triennial period.

10. In the event of any Reporter being requested by any person to furnish a copy in writing of any Judgment, delivered in the Court of which he is a Reporter, before the publication thereof as hereby required, it shall be the duty of such Reporter to furnish such copy in writing to the person demanding the same with as convenient despatch as possible, upon receiving the sum of ten cents per folio of one hundred words of such Judgment, which sum, and no more, such Reporter is hereby authorized to charge and receive; but no such charge shall be made in the case of a copy in writing being required of any such Judgment after the expiration of two months from the delivery thereof, but if not previously published, such copy shall be then furnished *gratis* by such Reporter to the party demanding the same.

11. In case of the unavoidable absence of any of the said Reporters respectively, from illness or any other sudden or necessary cause, during any of the sittings of the said several and respective Courts, it shall be competent for the said Reporters respectively, with the assent of the Treasurer of the Society, for the time being to appoint some fit and proper person, being a Barrister-at-Law practising in the Court, to report the judgments to be reported by the said Reporter.

12. Each of the Reporters of the said respective Courts shall be responsible for the due discharge of such duties by such his nominee as aforesaid.

13. It shall at all times be competent for the Benchers in Convocation, in their discretion, to grant leave of absence to the said respective Reporters for such period, and under such restrictions and conditions for ensuring the due performance of the duties of the office during such absence, as to the said Benchers in Convocation may seem expedient.

14. The Reporters of the Court of Appeal and of the High Court of Justice, shall report Election Decisions under the direction of the Editor.

[8th September, 1882.]

15. This work shall be distributed among the Reporters, as they may arrange between themselves or as may be prescribed by the Editor in advance of the trials.

[8th September, 1882.]

16. It shall not be necessary for the Reporters to attend trials personally, but they shall take care to procure from the Judges, Registrars, Counsel, and short-hand writers, engaged in the respective trials, the materials for a report.

[8th September, 1882.]

17. The Practice Reporter shall prepare reports of all decisions on questions of practice pronounced elsewhere than at the actual trial of any cause.

[8th September, 1882.]

18. Election Decisions, including those on points of Practice, shall be published in volumes as may be directed by the Editor, with the approval of the Reporting Committee.

[8th September, 1882.]

## SECTION XIV.

### OFFICERS.

I. There shall be the following salaried officers of the Society :

(1.) A Secretary, who shall be ex-officio Sub-Treasurer and Librarian.

(2.) An Editor who shall superintend the publishing of the Reports.

(3.) A Reporter for the Court of Appeal for Ontario, four joint Reporters for the High Court of Justice for Ontario, and one Reporter of decisions on matters of Practice both in the Court of Appeal and in the High Court.

(4.) Four Examiners.

(5.) An Examiner or Examiners for Matriculation.

(6.) Two General Assistants who are to take their instructions from and obey the orders of the Secretary.

2. The Officers above mentioned shall hold office during the pleasure of Convocation, and shall perform all such duties as may be assigned to them respectively by the rules of the Society, or by the Standing Orders, or by any special orders of Convocation.

3. No person shall be appointed an officer of the Society (other than Examiner for Matriculation,) except after at least one week's notice by the Secretary, of the intention to appoint, given by circular to each Bench; provided it shall, nevertheless, be competent for the Treasurer to temporarily fill any vacancies which the exigencies of the case may require to be filled.

### SALARIES.

4. The salary of the Editor shall be two thousand dollars per annum.

5. The salaries of each of the Reporters for the Court of Appeal and High Court shall be twelve hundred dollars per annum.

6. The salary of the Reporter for decisions on matters of Practice shall be nine hundred dollars per annum.

[4th June, 1886.]

7. The salaries of the respective Reporters shall be payable monthly, but not without a certificate of the Editor that the work of the reporter has been done to his satisfaction.

8. On the removal of any Reporter by the Society, his salary shall cease upon his removal.

#### OF EXAMINERS.

9. The salaries of the Examiners shall be six hundred dollars per annum each, payable quarterly.

10. The Examiners shall in future be elected for four years each, subject to removal at the discretion of Convocation.

11. The Examiners are to carry on their various Examinations on such days and at such hours as are, or may be appointed, or as may be deemed advisable by the Legal Education Committee and the said Examiners, due notice being given.

NOTE.—During the continuance of the Law School the Examiners are paid two hundred dollars each in addition to above salaries. See Sec. 2, Rule 8.

#### OF SECRETARY, SUB-TREASURER, AND LIBRARIAN, AND ASSISTANTS.

12. The salary of the Secretary shall be two thousand dollars per annum, payable monthly, for all his duties as Secretary, Sub-Treasurer, and Librarian, in addition to which he shall be furnished with rooms, fuel, water, and light.

13. The salary of one of the General Assistants shall be eight hundred dollars per annum, and of the other General Assistant six hundred dollars per annum, payable monthly.

[28th May, 1886.]

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**SECTION XV.****ACCOUNTS, AUDIT, AND FINANCE.**

1. The Sub-Treasurer shall lay before the Finance Committee each month, a debit and credit statement of account of all moneys received up to and including the last day of the preceding month.

[28th May, 1886.]

2. Such statement of account shall show all deposits made into the Bank of the Society to the credit of the Society; and of all checks drawn upon such Bank, and shall also show all disbursements made, and be accompanied with vouchers connected therewith.

3. Such accounts shall be audited monthly by a professional auditor appointed for that purpose.

4. A cash book shall be opened in which items of receipts and expenditure shall be extended in parallel columns, under several principal heads, from which they are to be posted into the Ledger under such heads.

5. The Bank of Toronto shall be the Bank of deposit and account for the "Law Society of Upper Canada," and the Sub-Treasurer, shall from time to time deposit therein to the credit of the Society, all moneys received for and on account of the Society, which being done, such deposit shall exonerate the Sub-Treasurer making such deposit.

6. The moneys of the said Society, deposited in the said Bank, shall be drawn for, and paid out upon a check signed by the Treasurer, or by any other member of the Finance Committee who may be named by that Committee and whose names and signatures shall be furnished to the Bank by the Treasurer and Secretary and shall always be countersigned by the Sub-Treasurer for the payment of salaries, contingencies, and other accounts from time to time required to be paid by the Rules or Orders of the Society, or by any Committee acting under or in accordance with any such Rules or Orders.

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## SECTION XVI.

## EXAMINATION FEES.

1. Every Student upon his admission shall pay the sum of \$50, and the further sum of \$100 when called to the Bar.

2. In case any Candidate for Examination for Articled Clerk, or for admission on the books as a Student, or for Call to the Bar, or for a Certificate of Fitness as Solicitor, fails to pass the necessary Examination, or be rejected on any other ground, the fee required to be deposited by him for the use of the Society according to the Statute or the Rules of the Society, shall be returned to him by the Treasurer, less \$10.

3. Every Candidate shall pay with his Notice  
for Admission as Student-at-Law.....\$ 1 00  
And previous to his Examination..... 50 00

(a) Unless he shall have within the preceding five years passed the Preliminary Examinations for Articled Clerk, in which case he shall pay, instead of fifty dollars, the sum of ten dollars.

4. Every Candidate for Examination for  
Articled Clerk with his Notice shall pay... 1 00  
And previous to his Examination..... 40 00
5. Every Candidate with Notice of Call to the  
Degree of Barrister-at-Law shall pay.... 1 00  
And previous to his Examination .....100 00
6. Every Candidate for Certificate of Fitness,  
shall, on leaving Articles, pay .. ..... 60 00
7. On every petition to Convocation for special  
relief..... 2 00
8. For every Certificate of Admission as Student-  
at-Law, if required..... 1 00
9. For every Certificate of having passed the  
Articled Clerk's Examination (Primary).  
if required ..... 1 00

10. For every Barrister's Diploma, if required .. 2 00  
 11. And for every other Certificate, not by these  
 rules otherwise provided for..... 1 00

#### OF EXAMINERS FOR MATRICULATION.

12. The Examiners for Matriculation shall be paid on the following scale : They shall be allowed sixteen dollars each for preparing their papers as a fixed fee, and a further sum of one dollar each for each student examined by them. Where but one Examiner is appointed, the fixed fee shall be \$32, and for each Student examined, \$2, in lieu of \$1 as aforesaid.

[7th September, 1886.]

13. Whenever an Attorney receives a Certificate of Fitness as Solicitor, entitled under either a special Act or General Statutes applying to Attorneys or Solicitors of the Courts of the United Kingdom or Colonies, he shall pay the full fees as if he had been articled and admitted after the usual service in Ontario, in addition to the special fee under the Rule 3, Section XI.

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## SECTION XVII.

### ANNUAL CERTIFICATE FEES.

1. In case any Solicitor of the Supreme Courts for Ontario desirous of obtaining his Annual Certificate, according to the provisions of the Statute in that behalf, pays on any day within the Term of Michaelmas, in any year, to the Sub-Treasurer of this Society, the sums hereinafter mentioned according to the scale set forth in the Schedule hereunto annexed, together with all such other fees and dues, if any, as by the said statutes are required to be paid by him on obtaining such an Annual Certificate, such Solicitor shall be thereupon entitled to such Certificate or Certificates respectively for the year commencing with the first day of such Michaelmas Term ; and such Certificate or Certificates shall be thereupon issued to him by the Secretary of the Society, as provided by the said Statute.

For Certificates of all the Divisions of the High Court of Justice.....	\$15 00
For a Certificate of any of the said Divi- sions separately .....	15 00

The sum of fifteen dollars payable by each Solicitor for his Annual Certificate, shall not include the fee of two dollars per annum payable by each Barrister under Rule 15, Section VII.

2. A list shall be delivered by the Secretary to the Publishers of the Reports immediately after the first day of January, yearly, of all those Solicitors who have taken out their Annual Certificates up to that date.

3. The fines for not taking out Certificates in due time, shall be as follows :—If such Certificate be not taken out before the first day of Hilary Term in addition to the usual fee for Certificates, the further sum of two dollars for each Division of the High Court of Justice. If not taken out before first day of Easter Term, the further sum of three dollars for each such Division of the High Court of Justice in addition to the usual fee for Certificates; and if not taken out before the first day of Trinity Term, the sum of four dollars for each such Division of the High Court of Justice in addition to the usual fee for taking out Certificates.

4. A record shall be kept by the Secretary of unpaid Certificates and Term Fees, with a view to the easy ascertainment of the amount of defaults.

5. A fee of two dollars shall be paid to the Secretary of the Society for the use of the Society on the presentation of every petition to the Benchers for special relief respecting fines or fees.

## SECTION XVIII.

## DUTIES OF THE SECRETARY.

1. In addition to the duties required of the Secretary by any Statute—

(1) He shall keep the minutes of the proceedings in Convocation, with a proper index thereto, and record the names of the Benchers present ; make up the journals, conduct all necessary correspondence, prepare all necessary diplomas, certificates, and other documents appertaining to his department, and perform all other services incidental to the office.

(2) He shall cause to be published in the *Canada Law Journal* as soon as may be after each Term :

- (a) The names of all Benchers elected or appointed during the previous Term.
- (b) The name of the Treasurer (if any) elected during such Term.
- (c) The names of all gentlemen upon whom the Degree of Barrister-at-Law was conferred during such Term, in the order of their Call.
- (d) The names of all members admitted into the Society as Students of the Laws or passed for Articled Clerks, during each Term, with the date, class, and order of their admissions and times of passing.
- (e) Such portions of the Rules or Standing Orders of the Society respecting the Examination of Candidates for admission on the books as Students-of-the-Laws, for Call to the Bar, and for Certificates of Fitness, specifying the subjects and books from time to time prescribed for such Examinations respectively, as shall be sufficient to give every necessary information to all parties interested in the premises.
- (f) A *resumé* of the business of Convocation during Term, under the superintendence of the Journals Committee.

(3) He shall forthwith, after each Examination, post in a conspicuous place in the Library, a list, shewing the names of successful Candidates.

2. The Secretary, under the direction of the Finance Committee, shall have the general charge of the grounds and buildings thereon, which may be in the exclusive occupation of the Society.

3. The Secretary for the time being shall be required to give security by bond of some Guarantee Company to the Society to the extent of five thousand dollars for the due performance of the duties of his office, including the duties of Sub-Treasurer, the Society to pay one half the premium therefor.

#### RESIDENCE IN THE HALL.

4. The Secretary shall have his residence in the east wing of Osgoode Hall. No other persons, except Officers or Servants of the Society, shall be permitted to reside in those portions of Osgoode Hall in the exclusive occupation of the Society.

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### SECTION XIX.

#### SUSPENSION OF BARRISTERS STRUCK OFF THE ROLL OF SOLICITORS.

1. Upon any order being made by the Court of Appeal for Ontario or any of the Divisions of the High Court of Justice for Ontario whereby any person being at the time a member of this Society is ordered to be struck off the Roll of Solicitors, whereby it is also further ordered, that such order shall be transmitted by the proper officer of such Court to the Treasurer of this Society; such person so ordered to be struck off the Rolls shall, *ipso facto*, be suspended from the exercise of all and singular the rights, powers, and privileges belonging to him in this Society, or elsewhere, as a member thereof, and such suspension shall continue until such person be restored to the Rolls as a Solicitor.

2. Such suspension shall in no respect be deemed as affirmation on the part of this Society, or any of the authorities thereof, of the correctness of the grounds upon which the decision of such Court or Courts is founded, but as a mere legal consequence attached to such decision.

3. Such suspension shall not preclude the adoption of proceedings by impeachment or otherwise, according to the course of the Society, before the Benchers thereof in Convocation for disbarring and expelling such person from the Society, on the same grounds upon which any such Court may have proceeded to remove him from their Rolls, or any other that may render such proceeding necessary or proper in that behalf.

4. It shall be the duty of the Treasurer on receipt of any such order from the proper officer of any of the said Courts, to lay the same before the Benchers of this Society in Convocation at the next meeting; and the same shall be thereupon entered at length upon the Journals of Convocation, but no entry of such suspension shall be entered upon the Rolls of the Society.

5. Upon the Treasurer being informed of orders having been made by the said Courts, or by the Courts which removed any such person from their Rolls as aforesaid, for the restoration of such person to such Rolls, it shall be his duty to procure office copies of such orders so restoring such person to the Rolls and to lay the same before the Benchers of the Society in Convocation at their next meeting, and the same shall thereupon be entered at length upon the Journals of Convocation.

6. The Secretary shall, after the entry upon the Journals of Convocation of the order of any of the said Courts ordering a member of the Society to be struck off the Roll of Solicitors, notify by letter each of the Judges of the said Courts, and the Judges of the County Courts of the Counties in which the member of the Society affected by such order has practised, and also the said member himself, that the said order has been made and transmitted to the Treasurer of the Society, and the Secretary shall enclose therein for the information of the person addressed a copy of the foregoing Rule.

7. In every matter wherever application shall be made to any of the Courts, or to any of the Judges thereof, against a Solicitor for misconduct, the Reporters shall give in their Reports, the style of the matter and name of the Solicitor if a rule be made absolute therein against the Solicitor for such misconduct.

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## SECTION XX.

### RULES AS TO COMPUTATION OF TIME.

1. In the computation of time entitling Students or Articled Clerks to pass Examinations to be called to the Bar or receive Certificate of Fitness, Examinations passed before or during Term shall be construed as passed at the actual date of the Examination, or as of the first day of Term, whichever shall be most favourable to the Student or Clerk, and all Students entered on the books of the Society during any term shall be deemed to have been so entered on the first day of the Term.

### INTERPRETATION.

2. The interpretation clauses of the Interpretation Acts having force in Ontario, shall, so far as material and applicable, be considered as also applying to the Rules and Orders of the Society in like manner as if expressly incorporated therewith.

### REPEAL OF FORMER RULES.

3. All Rules of the Society inconsistent with the foregoing Rules are hereby repealed.

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**SECTION XXI.**

## STANDING ORDERS OF CONVOCATION.

## SEAL.

1. The Seal of this Society hertofore in use, and bearing the following device, viz.: a shield in the centre whereof stands a doric column, surmounted by a beaver. On the dexter side of the shield stands the figure of Hercules, and on the sinister, the figure of Justice, with the scales in her right hand, and the sword in the left, and the words, "*Magna Charta Angliæ*," inscribed on a ribbon floating round the column, together with the words, "Law Society of Upper Canada," upon the exterior circle, and the words and figures, "Incorporated 1822," beneath the column within the exterior circle, shall be, and shall continue to be, the Seal of the Society.

2. The custody of the Seal of the Society shall belong to the Treasurer for the time being, who shall countersign every instrument to which he shall affix such seal.

## ROLLS AND OTHER ARCHIVES.

3. The Treasurer shall, during his tenure of office, safely keep the Rolls and Archives of the Society, and shall personally or by the Sub-treasurer, hand over the same to the Treasurer elect upon his entering on the duties of his office.

4. The Treasurer shall in like manner keep the Seal of the Society, and in like manner hand over the same to his successor.

5. No alteration or addition of what nature or kind soever, shall upon any pretence whatever be made in or upon the Rolls of the Society except under the personal direction of the Treasurer of the Society for the time being, and the making of such alteration or addition, with the occasion thereof, shall be formally entered on the Journals.

6. On the first day of every Term a Report shall be made by the Treasurer in writing, stating the entries to be

made on the Rolls in consequence of the admissions, calls, elections, or appointments of the preceding Term, and the said Report having been carefully examined with the Journals of each Term and adopted, the entries shall be thereupon made by the Secretary in the paper copy of the roll and index continued.

7. The entries in the Parchment Rolls of the Society shall be made by the Secretary from the paper copy, under the superintendence of the Treasurer.

8. Whenever it becomes necessary to attach an additional piece of parchment to any of the Rolls of the Society, the making of such additions shall be committed to a Select Committee of Benchers, with special instructions to have such additions made in their presence, to the end that the said Rolls may never be out of the actual possession of some member of the Convocation specially appointed for their safe-keeping.

9. Upon every such Committee reporting that they have made such addition the Seal of the Society shall be again in open Convocation affixed to the Rolls.

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Approved, so far as any of the foregoing Rules is or are subject to approval or disapproval by the Visitors.

(Signed) <sup>ms</sup> JOHN H. HAGARTY, C. J. O.  
 J. A. BOYD, C.  
 THOMAS GALT, J.  
 JOHN O'CONNOR, J.  
 THOMAS FERGUSON, J.  
 F. OSLER, J.  
 JOHN E. ROSE, J.

[September 10th, 1887.]

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## APPENDIX.

## A.

TREASURER'S SUMMONS FOR A SPECIAL  
CONVOCAATION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT :

day, the            day of November, in            Term,  
in the            year of the reign of Queen Victoria, A.D.  
18 .

GENTLEMEN,—By virtue of the authority vested in me, as Treasurer of this Society, by the Rules thereof, I have thought fit to summon, and do hereby accordingly summon, A CONVOCAATION OF THE BENCHERS OF THIS SOCIETY, to be held in the Convocation-Chamber, in Osgoode Hall, at the hour of ten o'clock in the forenoon of           , the            day of           , in this present Term.

This, therefore, is to notify you, and every of you of the same, pursuant to the Rules above mentioned, and to request your attendance. and the attendance of each of you at the time and place aforesaid.

Yours, &amp;c.,

J. R.,  
*Treasurer.*

To the Benchers of the Law  
Society of Upper Canada, and  
every of them. }

## B.

## NOTICE OF PRESENTATION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT :

Mr. A. B. (some Bencher) gives notice, that C. D. (names in full, no initials), of E., in the County of F., in this Province, Gentleman, son of G. D., of the same place, Merchant (or as the case may be), will, next term, be presented to the Benchers of this Society in Convocation, for the purpose of (being entered and admitted as a Student-of-the-Laws), or (being examined for an Articled Clerk) as the case may be.

C.

## PRESENTATION FOR ADMISSION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT:

*To the Benchers of the Law Society of Upper Canada, in Convocation.*

GENTLEMEN: I hereby present to the Examining Committee and to the Convocation, C. D., (names in full, no initials,) of E. in the County of F. in this Province, Gentleman, son of G. D., of the same place, Merchant, (or as the case may be) for the purpose of his being examined and entered and admitted as a Student-of-the-Laws, or Articled Clerk.

I. J.

(Some member of the Society of the degree of Barrister-at-Law.)

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 D.

## PETITION FOR ADMISSION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT:

*To the Benchers of the Law Society of Upper Canada, in Convocation.*

The Petition of C. D., (Christian and surname at length, no initials) of E. in the County of F. in this Province, Gentleman, son of G. D., of the same place, Merchant, (or as the case may be,) most respectfully sheweth: That your Petitioner is of full age of — years; (that he has received an education which he trusts sufficiently qualifies him to commence the study of the profession of the Law; that he received his education at the University of Oxford; (or "at Upper Canada College," "Upper Canada Academy," or at the school of G. A., at Z., in the county of F., in this Province, or as the case may be, being as full and particular as possible); that in the course of such instruction he has read the following books, that is to say, (as the case may be); that your Petitioner is desirous of becoming a member of the Law Society of Upper Canada, and of being entered thereof as Student-of-the-Laws.

Your Petitioner therefore, most respectfully prays that his qualifications being first examined and found sufficient, according to the Rules of the Society, and Standing Orders of Convocation in that behalf, he may be admitted and entered accordingly; and he doth hereby undertake and promise that he will, well, faithfully, and truly submit, and conform himself to, and obey, observe, perform, fulfil, and keep all the Rules, Resolutions, Orders, and Regulations of the Society, during such time as he shall continue on the books of the said Society, as a member thereof.

Witness,

R. W.

C. D.

Term, 18 Vic.

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E.

CERTIFICATES OF ADMISSION INTO THE  
SOCIETY.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT :

These are to certify that C. D., of E., in the County of F., Merchant, (or as the case may be,) having passed an examination and been classed in the University (or the senior or junior) Class, (as the case may be,) was by the Benchers of the Law Society of Upper Canada in Convocation, on the day of        in the Term of        in the year of our Lord one thousand eight hundred and        duly admitted into the said Society as a member thereof, and entered as a Student of the Laws, taking precedence as such in this Society next immediately after Mr. Y. R., and that he now remains on the books of the Society as a member thereof.

In testimony whereof, I J. R., Treasurer of the said Society, have to these presents affixed the seal of the said Society at Osgoode Hall, this        day of        in the year of our Lord one thousand eight hundred and        and in the year of Her Majesty's reign.

J. M. C., *Secretary.*

J. R., *Treasurer.*

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## F.

## NOTICE OF PRESENTATION FOR CALL.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT:

Mr. A. B. (some Bencher) gives notice that C. D., (names in full) a Member of this Society, now standing on the books as a Student of the Laws, and who has received his professional education under the superintendence of L. J., Esq., one of the Members of this Society, of the Degree of Barrister-at-Law, (or, of I. J. K, L. M. N., members of this Society, of the Degree of Barrister-at-Law, as the case may be) will, next Term, be presented to the Benchers of this Society in Convocation, for the purpose of being called to the Bar.

## G.

## PRESENTATION FOR CALL.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT:

*To the Benchers of the Law Society of Upper Canada in Convocation.*

GENTLEMEN,—I hereby present to the Convocation C. D., (names in full) a Member of this Society, now standing on the books as a Student-of-the-Laws, and who has received his professional education under my superintendence, (or under the superintendence of K. L. M. N. O., Esqrs., Members of this Society, of the Degree of Barrister-at-Law,) for the purpose of his being called to the Degree of Barrister-at-Law.

I. J.

(Some Member of the Society of the Degree of Barrister-at-Law.)

H.

## BOND.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT

Know all men by these presents, that we, C. D., (names in full) of E. in the county of F. in this Province, Gentleman, Member of the Law Society of Upper Canada, now standing on the books of the said Law Society as a Student of the Laws (or "Esquire, Member of the Honorable Society of Lincoln's Inn, Gray's Inn, the Middle Temple, or the Inner Temple," as the case may be, "duly called to practise at the Bar of Her Majesty's Superior Courts in England," or "Esquire, duly called to practice at the Bar in Her Majesty's Province of Lower Canada," (Nova Scotia, or New Brunswick, &c., as the case may be), "in North America,") and Z. D. of E. in the County of F., merchant, and V. N. of T. in the County of S., yeoman, are jointly and severally held and firmly bound to the Law Society of Upper Canada in the penal sum of Four Hundred Dollars of lawful money of Upper Canada, to be paid to the Law Society of Upper Canada aforesaid; for which payment to be well and truly made we bind ourselves, and each of us binds himself, our, and each, and every one of our heirs, executors, and administrators firmly by these presents. Sealed with our Seals. Dated this  
 day of \_\_\_\_\_, in the \_\_\_\_\_ year of Her Majesty's  
 reign, and in the year one thousand eight hundred and \_\_\_\_\_

The condition of this obligation is such, that if the above bounden C. D. (names in full) shall and will well and truly pay, or cause to be paid, to the Law Society of Upper Canada aforesaid, all such fees and dues of what nature or kind soever, as now are due or payable by or from him to the said Society, by or under any Statute or by any Rule, Resolution, Order, or Regulation of the said Society, passed by the said Society, or by the Benchers thereof, with the approbation of the Judges of the Province, as Visitors of the said Society, or which shall or may hereafter become due or payable by or for him to the said Society, under the same or under any other Statute or by any other Rule, Resolution, Order, or Regulation to be passed by the Benchers of the said Society in Convocation, with such approbation as aforesaid; and also do and shall moreover well, faithfully and truly obey, observe, perform, fulfil, and

keep all the Rules, Resolutions, Orders, and Regulations of the said Society, passed as aforesaid, and now in force, or hereafter to be passed, as aforesaid, during such time as he shall continue on the books of the said Society as a member thereof—then this obligation shall be void, otherwise shall be and remain in full force, virtue and effect.

Sealed and delivered in the presence of  
A.B.

L.S.  
L.S.  
L.S.

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I.

CERTIFICATE ON BOND.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT :

These are to certify that we, the subscribers hereunto, are well acquainted with the within named Z. D. and V.N., and that they are freeholders of substance amply sufficient to secure the performance of the condition of the within bond.

J. S.  
J. R.

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J.

PETITION FOR CALL.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT:

*To the Benchers of the Law Society of Upper Canada, in Convocation.*

The Petition of C. D. (Christian and surnames at length, no initials,) of E. in the County of F in this Province. Gentleman, son of G. D., of the same place, Merchant, (or as the case may be), and a member of this Society, now standing on the books as a Student of the Laws most respectfully sheweth,—That your Petitioner is of the full age of years; that he has received a professional education which he trusts sufficiently qualifies him to commence the practice of the Profession of the Laws; that he is of years' standing on the books of the Society as a Student-of-

the-Laws; that he has received his professional education under the superintendence of J. K. (or of J. K. for the space of two years, L. M. for one year, and N. O. for two years, or as the case may be) a member of this Society of the Degree of Barrister-at-Law; that he has since his admission into the Society, passed the first and second Intermediate Examinations in the Term of 18 and of 18 respectively.

That he has since his admission into the Society pursued the following branches of general learning that is to say, (as the case may be.)

That in the course of such pursuit he has read the following works, that is to say, (as the case may be.)

That he has particularly studied the following branches of the law, that is to say, (as the case may be.)

That in the course of such study he has read the following works, that is to say, (as the case may be.)

That he is under no articles of Clerkship of any kind whatsoever to any person or persons (or as the case may be); and that he is desirous of being called to the Degree of Barrister-at-Law.

Your Petitioner, therefore, most respectfully prays, that his qualifications being first examined and found sufficient according to the Rules of the Society, and Standing Orders of Convocation in that behalf, he may be called to the said Degree accordingly; and he doth hereby undertake and promise that he will, faithfully and truly submit and conform himself to, obey, observe, perform, fulfil, and keep all the Rules, Resolutions, Orders, and Regulations of the said Society, during such time as he shall continue on the books of the said Society as a member thereof.

Witness,  
N. P.

Michaelmas Term

C. D.  
Vic.

## DIPLOMA OF BARRISTER AT LAW.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT :

Be it remembered that C. D. of E., in the county of F., in this Province, Gentleman, son of G. D. of the same place, Merchant (or, as the case may be,) was by the Benchers of the Law Society of Upper Canada in Convocation, on the      day of      of the Term of      in the year of our Lord one thousand eight hundred and      , duly called to the Degree of Barrister-at-law, and that he now remains on the books of this Society as a Barrister thereof.

In testimony whereof, I, J. R., Treasurer of the said Society, have to these presents affixed the Seal of the said Society at Osgoode Hall, this      day of      in the year of our Lord one thousand eight hundred and      and in the year of Her Majesty's reign.

J. M. C., *Secretary.*

J. R., *Treasurer.*

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# PRIMARY EXAMINATION CURRICULUM.

FOR 1886, 1887, 1888, 1889, AND 1890.

## STUDENTS-AT-LAW.

### CLASSICS.

- |       |   |  |
|-------|---|--|
| 1886. | { | Cicero, Cato Major.<br>Virgil, Æneid, B. I., vv. 1-304.<br>Cæsar, Bellum Britannicum.<br>Xenophon, Anabasis, B. V.<br>Homer, Iliad, B. VI. |
| 1887. | { | Xenophon, Anabasis, B. I.<br>Homer, Iliad, B. VI.<br>Cicero, In Catilinam, I.<br>Virgil, Æneid, B. I.<br>Cæsar, Bellum Britannicum.        |
| 1888. | { | Xenophon, Anabasis, B. I.<br>Homer, Iliad, B. IV.<br>Cæsar, B. G. I., (vv. 1-33.)<br>Cicero, In Catilinam, I.<br>Virgil, Æneid, B. I.      |
| 1889. | { | Xenophon, Anabasis, B. II.<br>Homer, Iliad, B. IV.<br>Cicero, In Catilinam, I.<br>Virgil, Æneid, B. V.<br>Cæsar, B. G. I. (vv. 1-33.)      |
| 1890. | { | Xenophon, Anabasis, B. II.<br>Homer, Iliad, B. VI.<br>Cicero, In Catilinam, II.<br>Virgil, Æneid, B. V.<br>Cæsar, Bellum Britannicum.      |

Translation from English into Latin Prose, involving a knowledge of the first forty exercises in Bradley's, Arnold's composition, and re-translation of single passages.

Paper on Latin Grammar, on which special stress will be laid.

### MATHEMATICS.

Arithmetic; Algebra, to the end of Quadratic Equations; Euclid, Bb. I., II., and III.

## ENGLISH.

A paper on English Grammar.  
Composition.

Critical reading of a selected Poem :—

1886—Coleridge, *Ancient Mariner and Christabel* ; *or* *Ancient Mariner and Ode to the Departing Year* ; *France, an Ode* ; *Dejection, an Ode* ; *To William Wordsworth* ; *Youth and Age*.

1887—Thomson, *The Seasons, Autumn and Winter*.

1888—Cowper, *The Task*, Bb. III. and IV.

1889—Scott, *Lay of the Last Minstrel*.

1830—Byron, *The Prisoner of Chillon* ; *Childe Harold's Pilgrimage*, from stanza 73 of Canto 2 to stanza 51 of Canto 3, inclusive.

## HISTORY AND GEOGRAPHY.

English History, from William III. to George III. inclusive. Roman History, from the commencement of the Second Punic War to the death of Augustus. Greek History, from the Persian to the Peloponnesian Wars, both inclusive. Ancient Geography—Greece, Italy, and Asia Minor. Modern Geography—North America and Europe.

Optional subjects instead of Greek :—

## FRENCH.

A Paper on Grammar.

Translation from English into French Prose.

1886	}	Souvestre, <i>Un Philosophe sous le toits</i> .
1888		
1890		
1887		
1889	}	Lamartine, <i>Christophe Colomb</i> .

*or*, NATURAL PHILOSOPHY.

*Books*—Arnett's *Elements of Physics* ; *or*, Pecks' *Ganot's Popular Physics*, and Somerville's *Physical Geography*.

## ARTICLED CLERKS.

In the year 1887, 1888, 1889, 1890, the same portions of Cicero, *or*, Virgil, at the option of the candidate, as noted above for Student-at-Law.

Arithmetic.

Euclid, Bb. I., II., and III.

English Grammar and Composition.

English History—Queen Anne to George III.

Modern Geography—North America and Europe.

Elements of Book-Keeping.

## CURRICULUM.

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1. A Graduate in the Faculty of Arts, in any University in Her Majesty's Dominions empowered to grant such Degrees, shall be entitled to admission on the Books of the Society as a Student-at-Law, upon conforming with clause four of this Curriculum, and presenting (in person) to Convocation his Diploma or proper Certificate of his having received his degree, without further examination by the Society.

2. A Student of any University in the Province of Ontario, who shall present (in person) a Certificate of having passed, within four years of his application, an examination in the Subjects prescribed in this Curriculum for the Student-at-Law Examination, shall be entitled to admission on the Books of the Society as a Student-at-Law, or passed as an Articled Clerk (as the case may be) on conforming with clause four of this Curriculum, without any further examination by the Society.

3. Every other Candidate for admission to the Society as a Student-at-Law, or to be passed as an Articled Clerk, must pass a satisfactory examination in the subjects and books prescribed for such examination, and conform with clause four of this Curriculum.

4. Every Candidate for admission as a Student-at-Law or Articled Clerk, shall file with the Secretary, four weeks before the Term in which he intends to come up, a Notice (on prescribed form), signed by a Benchet, and pay \$1 fee; and on or before the day of presentation or examination file with the Secretary a petition, and a presentation signed by a Barrister forms prescribed), and pay prescribed fee.

5. The Law Society Terms are as follows :

Hilary Term, first Monday in February,	lasting	two weeks.
Easter Term, third Monday in May,	“	three “
Trinity Term, first Monday in September	“	two “
Michaelmas Term, third Monday in November,	“	three “

6. The Primary Examinations for Students-at-Law and Articled Clerks will begin on the third Tuesday before Hilary, Easter, Trinity, and Michaelmas Terms.

7. Graduates and Matriculants of Universities will present their Diplomas and Certificates on the third Thursday before each Term at 11 a.m.

7a. Graduates of Universities who have given due notice for Easter Term, but have not obtained their Diplomas in time for presentation on the proper day before Term, may, upon the production of their Diplomas, and the payment of their fees, be admitted on the last Tuesday in June of the same year.

8. The First Intermediate Examination will begin on the second Tuesday before each Term at 9 a.m. Oral on the Wednesday at 2 p.m.

9. The Second Intermediate Examination will begin on the second Thursday before each Term at 9 a.m. Oral on the Friday at 2 p.m.

10. The Solicitors' Examination will begin on the Tuesday next before each Term at 9 a.m. Oral on the Thursday at 2.30 p.m.

11. The Barristers' Examination will begin on the Wednesday next before each Term at 9 a.m. Oral on the Thursday at 2.30 p.m.

12. Articles and assignments must not be sent to the Secretary of the Law Society, but must be filed with the Registrar of the Queen's Bench or Common Pleas Divisions within three months from date of execution, otherwise term of service will date from date of filing.

13. Full term of five years, or, in the case of Graduates, of three years, under articles must be served before Certificates of Fitness can be granted.

14. Service under Articles is effectual only after the Primary Examination has been passed.

#### ARTICLES OF CLERKSHIP.

ARTICLES OF AGREEMENT made the            day of           , in the year of our Lord 18           , between A. A., of           , gentleman, (the father or guardian) of the first part, B. A. (the clerk) (son of the said A. A.) of the second part, and S. S. (the Solicitor), of           , gentleman, one of the Solicitors of the Supreme Court of Judicature, of the third part.

WITNESS, that the said B. A. of his own free will, (and with the consent and approbation of the said A. A., testified by his execution of these presents,) hath placed and bound himself, and by these presents doth place and bind himself, clerk to the said S. S., to serve him from the day of the date hereof up to the day on which he shall be admitted as a student-at-law or entered as an articulated clerk, whichever shall first happen in accordance with the rules of the Law Society, and during and until the full end and term of            years from the day of his so being admitted or entered then next ensuing :

And the said A. A. doth hereby for himself, his heirs, executors, and administrators, covenant with the said S. S., his executors, administrators, and assigns, that the said B. A. shall and will well, faithfully and diligently serve the said S. S. as his clerk in the practice or profession of a Solicitor of the Supreme Court from the date hereof, during and until the full end of the hereinbefore mentioned term ; And that the said B. A. shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend, or make away with any of the books, papers, writings, documents, moneys, stamps, chattels, or other property of the said S. S., his executors, administrators, or assigns, or of his partner or partners, or of any of his clients or employers : And that in case the said B. A. shall act contrary to the last-mentioned covenant, or if the said S. S., his executors, administrators, or assigns, or his partner or partners, shall sustain or suffer any loss or damage by the misbehaviour, neglect, or improper conduct of the said B. A. the said A. A., his heirs, executors, or administrators, shall indemnify the said S. S., and make good and reimburse him the amount or value thereof : And further, that the said B. A. will at all times keep the secrets of the said S. S. and his partner or partners, and will at all times during said term readily and cheerfully obey and execute his or their lawful and reasonable commands ; and shall not depart or absent himself from the service or employ of the said S. S. at any time during the said term without his consent first obtained, and shall from time to time, and at all times during the said term, conduct himself with all due diligence, honesty, and propriety : And the said B. A. doth hereby covenant with the said S. S. his executors, administrators, and assigns, that he, the said B. A., will truly, honestly, and diligently serve the said S. S. at all times during the said term, as a faithful clerk ought to do, in all things whatsoever, in the manner above specified.

In consideration whereof and of            paid by the said A. A. the receipt whereof the said S. S. doth hereby acknowledge) the said S. S. for himself, his heirs, executors, and administrators, doth hereby covenant with the said B. A. that the said S. S. will accept and take the said B. A. as his clerk : And also, that the said S. S. will by the best

ways and means he may or can, and to the utmost of his skill or knowledge, teach and instruct, or cause to be taught or instructed, the said B. A., in the said practice or profession of a solicitor of the Supreme Court, which the said S. S. now doth, or shall at any time hereafter during the said term use or practise: And also will, at the expiration of the said term use his best means and endeavours, at the request, costs, and charges of the said A. A. and B. A. or either of them, to cause and procure him the said B. A. to be admitted as a solicitor of the Supreme Court, provided the said B. A. shall have well, faithfully, and diligently served his said intended clerkship:

IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals, the day and year first above mentioned.

Signed, sealed, and delivered by the within named parties, in the presence of	}	W. F.	A. A. (L.S.) B. A. (L.S.) S. S. (L.S.)
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NOTE.—Where the person about to be articted has attained his majority his father or guardian is not a necessary party to the instrument.

County of \_\_\_\_\_ } I. \_\_\_\_\_ of the \_\_\_\_\_ of  
 To Wit: } in the County of \_\_\_\_\_ make oath and say;

1. THAT I was personally present, and did see the within Instrument and Duplicate thereof duly signed, sealed and executed by \_\_\_\_\_ the part thereto:
2. THAT the said Instrument and Duplicate were executed at \_\_\_\_\_
3. THAT I know the said part \_\_\_\_\_
4. THAT I am a subscribing witness to the said Instrument and Duplicate.
5. THAT the said Instrument and Duplicate were executed as aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

SWORN before me, at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 in the year of our Lord 18\_\_\_\_

A Commissioner for taking affidavits in H. C. J., etc.

15. A Student-at-law is required to pass the First Intermediate Examination in his third year and the Second Intermediate in the fourth year, unless a Graduate, in which case the first shall be in his second year and his second in the first six months of his third year. One year must elapse between First and Second Intermediates. See further R. S. O. Ch. 140, sec. 6, sub-secs. 2 and 3.

16. In computation of time entitling Students or Articted Clerks to pass Examinations to be called to the Bar or receive Certificates of Fitness, Examinations passed before or during Term shall be construed as passed at the actual date of the Examination, or as of the first day of Term, whichever shall be most favourable to the Student or Clerk, and all Students entered on the books of the Society during any Term shall be deemed to have been so entered on the first day of the Term.

17. Candidates for Call to the Bar must give notice signed by a Benchler, during the preceding Term.

18. Candidates for Call or Certificate of Fitness are required to file with the Secretary their papers and pay their fees on or before the third Saturday before Term. Any Candidate failing to do so will be required to put in a special petition, and pay an additional fee of \$2.

19. No information can be given as to marks obtained at Examinations.

20. An Intermediate Certificate is not taken in lieu of Primary Examination.

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## FEES.

Notice Fee .....	\$1 00
Student's Admission Fee .....	50 00
Articled Clerk's Fee .....	40 00
Solicitor's Examination Fee .....	60 00
Barrister's " " .....	100 00
Intermediate Fee .....	1 00
Fee in Special Cases additional to the above....	200 00
Fee for Petitions.....	2 00
Fee for Diplomas .....	2 00
Fee for Certificate of Admission .....	1 00
Fee for other Certificates .....	1 00

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## BOOKS AND SUBJECTS FOR EXAMINATIONS.

### FIRST INTERMEDIATE.

Williams on Real Property, Leith's edition ; Smith's Manual of Common Law ; Smith's Manual of Equity ; Anson on Contracts ; the Act respecting the Court of Chancery ; the Canadian Statutes relating to Bills of Exchange and Promissory Notes ; and Cap. 117, Revised Statutes of Ontario and amending Acts.

Three Scholarships can be competed for in connection with this intermediate by Candidates who obtain 75 per cent. of the maximum number of marks.

## SECOND INTERMEDIATE.

Leith's Blackstone, 2nd edition ; Greenwood on Conveyancing, chaps. on Agreements, Sales, Purchases, Leases, Mortgages, and Wills ; Snell's Equity ; Broom's Common Law ; Williams on Personal Property ; O'Sullivan's Manual of Government in Canada ; the Ontario Judicature Act, Revised Statutes of Ontario, chaps. 95, 107, 136.

Three Scholarships can be competed for in connection with this intermediate by Candidates who obtain 75 per cent. of the maximum number of marks.

## FOR CERTIFICATE OF FITNESS.

Taylor on Titles ; Taylor's Equity Jurisprudence ; Hawkins on Wills ; Smith's Mercantile Law ; Benjamin on Sales ; Smith on Contracts ; the Statute Law and Pleading and Practice of the Courts.

## FOR CALL.

Blackstone, vol. 1, containing the introduction and rights of Persons ; Pollock on Contracts, Story's Equity Jurisprudence ; Theobald on Wills ; Harris's Principles of Criminal Law ; Broom's Common Law, Books III. and IV. ; Dart on Vendors and Purchasers ; Best on Evidence ; Byles on Bills, the Statute Law and Pleadings and Practice of the Courts.

Candidates for the Final Examinations are subject to re-examination on the subjects of the Intermediate Examinations. All other requisites for obtaining Certificates of Fitness and for Call are continued.

## RULE RE SERVICE OF ARTICLED CLERKS.

From and after the 7th day of September, 1885, no person then or thereafter bound by Articles of Clerkship to any Solicitor, shall, during the term of Service mentioned in such Articles, hold any office, or engage in any employment whatsoever, other than the employment of Clerk to such Solicitor, and 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.

Trinity Term, 1885.

## ACTS RELATING TO THE LAW SOCIETY, &c.

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An Act respecting the Law Society of Upper Canada.

[Rev. Stat. Ont., Cap. 138.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

### LAW SOCIETY CONTINUED.

1. The Law Society of Upper Canada shall continue as at present constituted, subject to the provisions of this Act, and to the by-laws, resolutions, rules and regulations of the said Society in force at the time this Act takes effect, except so far as the same are inconsistent with this Act, until altered by the Benchers of said Society pursuant to this Act, C. S. U. C. c. 33, s. 1 ; 34 V. c. 15, s. 2.

2. The Treasurer and Benchers of the said Society heretofore incorporated, and their successors, shall continue to be a body corporate and politic, by the name of the Law Society of Upper Canada, and without license of mortmain may purchase, take, possess, and after acquiring the same, sell, lease, or depart with any lands, tenements, or hereditaments for the purposes of the said Society, but for no other purpose, and may execute all other matters appertaining to them to do. C. S. U. C. c. 33, s. 2.

### VISITORS.

3. The Chief Justices and Puisne Justices of the Superior Courts of Common Law, and the Chancellor and Vice Chancellors of the Court of Chancery, shall be Visitors of the Society. C. S. U. c. 33, s. 3.

### BENCHERS.

4. The Attorney-General of Canada for the time being, and every person who has held that office, if a member of the Bar of Ontario, and the Attorney-General for the time being of Ontario, and all members of the Bar of Ontario, who have at any time held the office of Attorney-General of Ontario, or of Attorney-General or Solicitor-General for that part of the late Province of

Canada, formerly called Upper Canada, and any retired Judge or Judges of the Superior Courts of Law or Equity for Ontario, shall respectively *ex officio* be Benchers of the Society. 34 V. c. 15, s. 4 ; 39 V. c. 31, s. 8.

5. The Benchers of the Law Society, exclusive of *ex officio* members, shall be thirty in number, to be elected as hereinafter provided. 34 V. c. 15, s. 3.

6. The Benchers shall, during the term next preceding an election, appoint two persons, who, with the Treasurer, shall act as scrutineers at the election ; and the said Benchers shall also, during the said preceding term, appoint a third person, who shall act for and as the Treasurer, in case he should be absent during the meeting of the scrutineers to count the votes. 34 V. c. 15, s. 16.

7. The first election after this Act takes effect shall be held on the first Thursday after the first Wednesday in April, one thousand eight hundred and eighty-one, and the subsequent elections shall be held on the first Thursday after the first Wednesday in April of every fifth year thereafter ; but in case the scrutineers are unable to complete the scrutiny upon such day the same shall be continued from day to day until the election is declared. In case any scrutineer is absent during such scrutiny the others may nevertheless proceed therewith. 34 V. c. 15, s. 17.

8. Each member of the Bar, not hereinafter declared ineligible as an elector, may vote for thirty persons. 34 V. c. 15, s. 5.

9. Such votes shall be given by closed voting papers, in the form in the Schedule to this Act, or to the like effect, being delivered to the Secretary of the Law Society on the first Wednesday of April of the year proper for such election, or during the Monday and Tuesday immediately preceding. Any voting papers received by the said Secretary by post during said days or during the preceding week, shall be deemed delivered to him. 34 V. c. 15, s. 6.

10. The said voting papers shall, upon the Thursday following, be opened by the Secretary of the Law Society in the presence of the scrutineers, who shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided by the said Society. 34 V. c. 15, s. 7.

11. The thirty persons who have the highest number of votes shall be Benchers of the said Law Society for the next term of five years. 34 V. c. 15, s. 8.

12. Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers. 34 V. c. 15, s. 9.

13. In case of an equality of votes between two or more persons, which leaves the election of one or more of such Benchers undecided, then the said scrutineers shall forthwith put into a ballot box a number of papers, with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Secretary of the said Society shall draw by chance from such ballot-box, in the presence of the said scrutineers, one or more of such papers sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be such Benchers. 34 V. c. 15, s. 10.

14. No person shall be entitled to vote as an elector at such election unless all his Bar fees to the Law Society have been paid. 34 V. c. 15, s. 11.

15. The Secretary of the Law Society shall, on the first day of the term previous to the time for any election, make out an alphabetical list or register of the members of the Bar who are entitled to vote at the succeeding election, and such register may be examined by any member of the said Society at all reasonable times, at the office of the said Secretary.

2. In case any member of the said Society complains to the said Secretary, in writing, of the improper omission or insertion of any name in the said list, it shall be the duty of the Secretary forthwith to examine into the complaint and rectify such error if any there be; and in case any person is dissatisfied with the decision of the said Secretary, he may appeal to the persons who have been appointed to act as scrutineers for the next election thereafter, and the decision of such scrutineers shall be final, and such list shall remain or be altered in accordance with such decision.

3. The Secretary shall add to such list the names of all persons who have been called to the Bar during the term previous to such election; and no alterations shall be made to such lists except as is provided in this section; and the said list, as it stands revised upon the last Monday of the said last mentioned term, shall be held to be the register of persons entitled to vote at the next election.

4. No person whose name is not inserted in the said list shall be entitled to vote at such election. 34 V. c. 15, s. 12.

16. No person shall be eligible as a Bencher at any election who is not qualified to vote at such election. 34 V. c. 15, s. 14.

17. At all elections retiring Benchers shall be eligible for re-election. 34 V. c. 15, s. 31.

18. Any votes cast for any person who [is ineligible to be a Bencher, or who is a Bencher *ex officio*, shall be null and void ; and the election shall be declared as if such votes had not been cast. 34 V. c. 15, s. 13.

19. In the event of any elector placing more than thirty names on his voting paper, the first thirty only shall be taken, notwithstanding any of such thirty persons so named may be ineligible for election from any cause whatever. 34 V. c. 15, s. 18.

20. Upon the completion of the scrutiny the said Secretary shall forthwith declare the result of said election and report the same to the said Society, and shall cause the names to be published in the next two issues of the *Ontario Gazette*. 34 V. c. 15, s. 15.

21. The Benchers of said Society may make such regulations as they consider expedient, not contrary to the provisions of this Act, for regulating the procedure under the preceding sections of this Act, and for the remuneration of the scrutineers appointed under this Act. 34 V. c. 15, s. 19.

22. The said voting papers belonging to any election shall not be destroyed until after all petitions in respect to such election have been decided, but the same shall, together with all other papers in connection with the said election, be retained by the Secretary. 34 V. c. 15, s. 20.

23. No person shall sign the name of any other person to any voting paper, under this Act, or alter, or add to, or falsify, or fill up any blank in any voting paper signed by another person, or deliver or cause to be delivered, or send or cause to be sent, by post or otherwise to the said Secretary, any such false voting paper, or any voting paper which has been added to or falsified, or in which any blank has been filled up after the same was signed. 34 V. c. 15, s. 21.

24. In the event of there being no Secretary for the time being of the Law Society at the time at which any election under this Act is to be held, or in the event of such Secretary being unable from illness or other unavoidable cause to act at such elections, then and in such case the Treasurer for the time being of the Law Society shall appoint under his hand some other person to act as such Secretary and such person so appointed shall perform all the duties of such Secretary, as prescribed by this Act. 34 V. c. 15, s. 22.

25. The persons so elected Benchers as aforesaid shall take office on the first day of Easter Term following their election, and shall hold office until the beginning of the fifth Easter Term after they have entered on their said office, or till the election of their successors. 34 V. c. 15, s. 23.

26. The seat of any Bencher who has failed to attend the meetings of the Benchers for three consecutive terms, shall at the expiration of the said period, become vacant. 34 V. c. 15, s. 23.

27. The majority of the Benchers present at any meeting in the first Easter Term after their election, may appoint a committee of their number to enter upon any enquiry with respect to the due election of any of the said Benchers whose election or elections may be petitioned against by any member of the Bar who voted at the election of such Bencher or Benchers, and, after such enquiry, to report such Bencher or Benchers as duly or not duly elected or qualified according to the fact, and, if necessary, to report the name or names of the next in order of votes of the duly qualified members of the Bar, in lieu of the person or persons petitioned against and reported not duly elected or qualified; and on the confirmation of the said report by the majority of Benchers (other than those petitioned against) present at any meeting for that purpose, the person or persons so reported, in lieu of those petitioned against as aforesaid shall be taken and deemed to be the duly elected and qualified Bencher or Benchers. 34 V. c. 15, s. 24.

28. No petition against the return of any Bencher shall be entertained unless such petition is filed with the Secretary of the Law Society at least ten days before the first day of Easter Term next succeeding such election, and shall contain a statement of the grounds on which such election is disputed, and unless a copy of such petition is served upon the Bencher whose election is disputed at least ten days before the first day of the said Easter Term; and no grounds not mentioned in the petition shall be gone into on the hearing of such petition. 34 V. c. 15, s. 25.

29. On any such notice being duly filed as aforesaid, the Benchers shall during the first week of the Easter Term succeeding such election, appoint a day for the hearing of such petition, and give notice of such day to the petitioner and to the person whose return is disputed; but all such petitions shall be finally disposed of during the said Easter Term. 34 V. c. 15, s. 26.

30. On the hearing of any such petition the Benchers shall have power to examine witnesses under oath; and a summons under the hand of the Treasurer of the Law Society, or under the

hand of three Benchers, for the attendance of a witness, shall have all the force of a subpoena; and any witness not attending in obedience thereto, shall be liable to attachment in any of the Superior Courts. 34 V. c. 15, s. 27.

**31.** Any person petitioning against the return of any Bencher shall deposit with the Secretary of the Law Society the sum of one hundred dollars to meet any costs which such Bencher may be put to in the opinion of the committee before which such petition is heard; and such committee shall have power in the event of such petition being dismissed, to award such sum to be paid to the Bencher petitioned against as in their opinion is just; and shall have power in their discretion in the event of such Bencher being decided to be not duly elected or qualified, to award costs to the petitioner; and the costs so awarded shall be recoverable in any Court of competent jurisdiction. 34 V. c. 15, s. 28.

**32.** The Benchers shall, on the first meeting after their election, proceed to elect one of their body as Treasurer, who shall be the President of the Society; and such Treasurer shall hold office until the appointment of his successor; and the election of Treasurer shall take place on the first Saturday of Easter Term in every year; provided that the retiring Treasurer shall be eligible for re-election. 34 V. c. 15, s. 29.

**33.** In case of the failure in any instance to elect the requisite number of duly qualified Benchers, according to the provisions of this Act, or in case of any vacancy caused by the death or resignation of any Bencher, or by any other cause, then it shall be the duty of the remaining Benchers, with all convenient speed at a meeting to be specially called for the purpose and to be held during the next term thereafter, to supply the deficiency in the number of Benchers failed to be elected as aforesaid, or caused by any of the means aforesaid, by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified under the provisions of this Act to be elected as a Bencher or Benchers; and the person or persons so elected shall hold office for the residue of the period for which the other Benchers have been elected. 34 V. c. 15, s. 30.

#### POWERS OF THE BENCHERS.

**34.** The Benchers may from time to time in Convocation make rules for the government of the Law Society, and other purposes connected therewith, under the inspection of the Visitors. C. S. U. C. c. 33, s. 5.

**35.** The Benchers may appoint such officers and servants as may be necessary for the management of the business of the said Law Society. 39 V. c. 31, s. 7.

36. The Benchers may make rules for the improvement of legal education ; and may appoint readers and lecturers with salaries ; and may impose fees and prescribe rules for the attendance of students and articulated clerks at such readings or lectures, and for examinations thereon, as conditional to call to the Bar, or admission as Attorney ; and may, establish scholarships in connection therewith ; and may for proficiency at examination, by rules to be established specially in that respect, diminish the number of years of studentship on the books of the Society, or under articles of clerkship, but so as not to reduce the number of years for call to the Bar or admission as Attorney to less than three. 35 V. c. 6, s. 4.

37. The Benchers shall have the power heretofore exercised to call and admit to the practice of the law as a Barrister any person duly qualified to be so admitted, according to the provisions of law and the rules of the Society C. S. U. C. c. 33, s. 1.

38. 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. 39 V. c. 31, s. 1.

39. The Benchers with the approbation of the Visitors (including one at least of the Judges of each of the Superior Courts of Law and Equity), shall from time to time make such Rules as they consider necessary for conducting the examination of persons applying to be admitted as Attorneys or Solicitors, as well touching the articles and service, and the several certificates required by law to be produced by them before their admission, as to the fitness and capacity of such persons to act as Attorneys or Solicitors ; and the Society may from time to time nominate and appoint Examiners for conducting such examinations. C. S. U. C. c. 35, s. 8. See also Rev. Stat. c. 140, s. 8.

40. In any of the foregoing cases where it appears to the Benchers expedient for purposes of further inquiry or investigation, they may suspend for a period not exceeding twelve months, their final decision in respect to the granting or refusal of the certificate. C. S. U. C. c. 35, s. 9.

41. The Benchers from time to time may also 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 service of articulated clerks, the period and conditions of such service, and the admission of Attorneys or Solici-

tors to practise in the Courts, and all other matters relating to the discipline and practice of such Attorneys, Solicitors, and Articled Clerks. 39 V. c. 31, s. 2.

42. Whereas certain petitions were presented to the Legislature of the Province during its session held in the thirty-ninth year of Her Majesty's reign, praying for special Acts for the admission of the petitioners to practise as Barristers or Attorneys and Solicitors,—the Law Society may, in their discretion, upon payment of the usual fees therefor, call to the Bar as Barristers, or admit to practise as Attorneys and Solicitors, such of the said petitioners as have so petitioned, upon proper proof of the allegations in said petitions and upon their passing the usual final examination prescribed by the rules of the said Law Society for Barristers or Attorneys and Solicitors; provided they come within the classes of cases in which the Legislature of this Province, prior to the said session, authorized, by special Acts, the admission of Barristers, or Attorneys and Solicitors. 39 V. c. 31, s. 9.

#### LAW BENEVOLENT FUND.

43. The Benchers may by by-law establish a fund for the benefit of the widows and orphans of Barristers, Attorneys and Solicitors, and of persons who have been such, to be called "The Law Benevolent Fund," and may make all necessary rules and regulations for the management and investment of the said fund, and the terms of subscription and appropriation thereof, and the conditions under which the widows and orphans of such persons shall be entitled to share in the said fund. 39 V. c. 31, s. 4.

#### REPORTERS.

44. The Benchers may from time to time appoint such persons, being members of the Law Society, of the degree of Barrister-at-Law, as they may think proper, to be Editors and Reporters of the decisions of the Court of Appeal and the Superior Courts.

2. Such persons shall hold office at the pleasure of the said Benchers, and shall be amenable to them in convocation for the correct and faithful discharge of their respective duties, according to such regulations as the said Benchers may from time to time make in respect thereof. 35 V. c. 6, s. 1.

45. The Benchers shall make regulations for the printing and publishing the said reports of the said decisions, and the distribution of the said reports, and the price and mode of issuing thereof, and all such other regulations in respect thereto, as they may at any time consider necessary; and any profits arising from the said reports shall form part of the general funds of the Law Society. 35 V. c. 6, s. 2.



An Act to extend the Powers of the Law Society of Upper Canada.

[Stat. Ont., 44 Vic. ch. 17.]

**W**HEREAS by an Act intituled "An Act respecting the Law Society of Upper Canada," chapter one hundred and thirty-eight of the Revised Statutes of Ontario, the thirty-eighth and forty-first sections thereof provided amongst other things, that the Benchers of the said Law Society might make all necessary rules, regulations and by-laws concerning matters relating to the discipline and honour of the Bar, and to the discipline and practice of Attorneys, Solicitors, and Articled Clerks; and whereas doubts have arisen touching the powers conferred upon the said Law Society by the said sections, and it is desirable that such doubts be removed; and whereas it is expedient to define the powers of the said Society in reference to the said matters of discipline;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever any person, being a Barrister or Attorney-at-law, or a Solicitor of the Court of Chancery, or a Student-at-law, or Attorney's Clerk serving under articles, has been or may hereafter be found by the Benchers of the Law Society, after due inquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a Barrister, Attorney, Solicitor, Student-at-law, or Articled Clerk, it shall be lawful for the said Benchers in Convocation to disbar any such Barrister, and to resolve that any such Attorney or Solicitor is unworthy to practise as such Attorney or Solicitor; to expel from the society, and the membership thereof, any such Student or Articled Clerk, and to strike his name from the books of the society; and to refuse either absolutely or for a limited period to admit such Articled Clerk to the usual examinations, or to grant him the certificate of fitness necessary to enable him to be admitted to practise.

2. Upon any Barrister being disbarred as aforesaid, all his rights and privileges as a Barrister-at-law shall thenceforth cease and determine, and notice of his being disbarred shall forthwith be given by the Secretary of the Law Society to the Superior Courts of this Province.

3. Upon its being resolved by convocation that any Attorney or Solicitor is unworthy to practise, a copy of the resolution shall forthwith be communicated to the several Superior Courts, and thereupon, without any formal motion, an order of the said respective courts may be drawn up, striking such Attorney or Solicitor off the Rolls: Provided that such Attorney or Solicitor may at any time afterwards apply to any of the said Courts to be restored to practise, as heretofore.

4. Any powers which the visitors of the said Law Society may have in the said matters of discipline, are hereby vested in the Benchers of the said Law Society, and the powers by this Act given to the said Benchers may be exercised by them without reference to, or concurrence in, by the said visitors.

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### An Act Respecting Barristers-at-Law.

[Rev. Stat. Ont. Cap. 139.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Subject to any rules, regulations or by-laws made by the Benchers of the Law Society of Upper Canada under the Act *respecting the Law Society of Upper Canada*, the following persons, and no others may be admitted to practise at the Bar in Her Majesty's Courts of Law and Equity in Ontario :

1. Any person of the age of twenty-one years, who, having been entered of, and admitted into the "Law Society of Upper Canada," as a Student-of-the-Laws, has been standing on the books thereof for five years, and has conformed himself to the rules of the Society. C. S. U. C. c. 34, s. 1 (1).

2. Any person who has been admitted into and stands on the books of the Law Society of Upper Canada, as a Student-of-the-Laws for three years, and has conformed himself to the rules of said Society, and has, prior to the date of his admission to the said Society, and to the books of the said Society as a Student, actually taken and had conferred upon him the degree of Bachelor of Arts or Bachelor of Law in any of the Universities of the United Kingdom of Great Britain and Ireland, or of any University or College in this Province or in the Province of Quebec having power to grant degrees. 23 V. c. 47, s. 2.

3. Any person who has been duly called to the Bar of any of Her Majesty's Superior Courts in England, Scotland, or Ireland, not being Courts of merely local jurisdiction. C. S. U. C. c. 34, s. 1 (3).

4. Any person who has been duly authorized to practise as an Advocate, Barrister, Attorney, Solicitor, and Proctor-at-Law, in all Courts of Justice in Quebec, or who has been found capable and qualified, and entitled to receive a diploma for that purpose under the provisions of the Acts respecting the incorporation of the Bar of Quebec, or who has been duly registered as a Clerk and studied during the periods for study respectively required

under the provisions of the said Acts, on producing sufficient evidence thereof, and also on producing testimonials of good character, and undergoing an examination in the Law of Ontario, to the satisfaction of the Law Society of Upper Canada, and upon his entering himself of the said Society, and conforming to all the rules and regulations thereof, C. S. C. c. 75, s. 1.

5. Any person who has been duly called to the Bar of any of Her Majesty's Superior Courts in any of Her Majesty's Provinces of North America in which the same privilege would be extended to Barristers from Ontario, and who produces sufficient evidence of such call and testimonials of good character and conduct to the satisfaction of the Law Society. C. S. U. C. c. 34, s. 1 (4).

#### QUEEN'S COUNSEL.

2. It was and is lawful for the Lieutenant-Governor by Letters Patent, under the great seal of the Province of Ontario, to appoint from among the members of the Bar of Ontario, such persons as he may deem right to be, during pleasure, Provincial Officers under the names of Her Majesty's Counsel learned in the law for the Province of Ontario. 36 V. c. 3, s. 1.

3. The following members of the Bar of this Province shall have precedence in the Courts of this Province in the following order :

1. The Attorney-General of Canada, for the time being ;
2. The Attorney-General of Ontario, for the time being ;

3. The members of the said Bar who have filled the offices of Attorney-General for the late Province of Upper Canada, or Attorney-General of the Dominion of Canada, or Attorney-General of this Province according to seniority of appointment as such Attorney-General :

4. The members of the said Bar who have filled the office of Solicitor-General for Upper Canada according to seniority of appointment as such Solicitor-General ; and

5. The members of the Bar who were, before the first day of July, in the year of our Lord one thousand eight hundred and sixty-seven, appointed Her Majesty's Counsel for Upper Canada, so long as they are such Counsel, according to seniority of appointment as such Counsel. 36 V. c. 4, s. 1.

4. The Lieutenant-Governor by Letters Patent under the Great Seal of Ontario may grant to any member of the Bar a patent of precedence in the said Courts. 36 V. c. 4, s. 2.

5. Members of the Bar from time to time appointed after the first day of July, in the year of our Lord one thousand eight hundred and sixty-seven, to be Her Majesty's Counsel for the Province, and members of the Bar to whom, from time to time, patents of precedence are granted, shall severally have such precedence in the said Courts as may be assigned to them by Letters Patent, which may be issued by the Lieutenant-Governor under the Great Seal. 36 V. c. 4, s. 3.

6. The remaining members of the Bar shall, as between themselves, have precedence in the said Courts in the order of their call to the Bar. 36 V. c. 4, s. 4.

7. Nothing in this Act contained shall in any wise affect or alter any rights of precedence which may appertain to any member of the Bar when acting as Counsel for Her Majesty, or for any Attorney-General of Her Majesty, in any matter depending in the name of Her Majesty or of the Attorney-General before the said Courts, but such right and precedence shall remain as if this Act had not been passed. 36 V. c. 5, s. 5.

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An Act to amend the Act respecting Barristers-at-Law,  
Stat. Ont. 48 Vic. Cap. 30.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 1 of chapter 139 of the Revised Statutes of Ontario is hereby amended by striking out sub-section 3, and substituting the following :—

(3) Any person who has been duly called to the Bar of England, Scotland, or Ireland (excluding the Bar of Courts of merely local jurisdiction)—when the Inn of Court or other authority having power to call or admit to the Bar by which such person was called or admitted, extends the same privilege to Barristers from Ontario—on producing sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Law Society.

2. This Act shall not affect any question as to the right of any person who, having been called as aforesaid, has before the passing of this Act claimed to be admitted to practise at the Bar in the Courts of this Province.

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An Act respecting Attorneys-at-Law, Rev. Stat. Ont. Cap. 140.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

ATTORNEYS TO BE ADMITTED AND ENROLLED.

1. Unless admitted and enrolled and duly qualified to act as an Attorney or Solicitor, no person shall act as an Attorney or Solicitor in any Superior or Inferior Court of Civil or Criminal Jurisdiction in Law or Equity, or before any Justice of the Peace, or as such sue out any writ or process, or commence, carry on, solicit or defend any action, suit or proceeding in the name of any other person, or in his own name. C. S. U. C. c. 35, s. 1.

WHO MAY BE ADMITTED.

2. Subject to the provisions hereinafter contained and to any rules and regulations made by the Benchers of the Law Society of Upper Canada, under *The Act respecting the Law Society of Upper Canada*, the following persons, and no others, may be admitted and enrolled as Attorneys or Solicitors :—

1. Any person who has been bound by contract in writing to a practising Attorney or Solicitor in Ontario to serve and has served him as his clerk for five years. C. S. U. C. c. 35, s. 2 (1).

2. Any person who has actually taken and had conferred upon him the degree of Bachelor or of Master of Arts, or of Bachelor or Doctor of Laws, in any of the Universities of the United Kingdom of Great Britain and Ireland or of this Province, or the Province of Quebec, having power to grant degrees, and has, after having taken and had conferred upon him such degree, been bound by contract in writing to a practising Attorney or Solicitor in Ontario to serve, and has served, him as his clerk for three years. 23 V. c. 48, s. 2.

3. Any person who has been duly called to practise at the Bar of Ontario, or who has been duly called to practise at the Bar of any of Her Majesty's Superior Courts not having merely local jurisdiction in England, Scotland, or Ireland, and has been bound by contract in writing to a practising Attorney or Solicitor in Ontario to serve, and has served, him as his clerk for three years. 28 V. c. 21, s. 1.

4. Any person duly and lawfully sworn, admitted and enrolled a Solicitor of Her Majesty's Supreme Court of Judicature in England, or an Attorney or Solicitor of Her Majesty's High Court of Chancery, or Court of Queen's Bench, Common Pleas, or Exchequer in Ireland, or who has been Writer

to the Signet, or Solicitor in the Supreme Courts in Scotland, and has been bound by contract in writing to a practising Attorney or Solicitor in Ontario to serve, and has served, him as his clerk for one year. C. S. U. C. c. 35, s. 2 (4); 40 V. c. 7, Sched. A (160).

5. Any Attorney or Solicitor of any of Her Majesty's Superior Courts of Law or Equity in any of Her Majesty's Colonies wherein the Common Law of England is the Common Law of the land, and who has been bound by contract in writing to a practising Attorney or Solicitor in Ontario to serve, and has served, him as his clerk for one year. C. S. U. C. c. 35, s. 2 (5).

6. Any person authorized to be admitted under section forty-two of *The Act respecting the Law Society of Upper Canada*. 39 V. c. 31, s. 9.

3. The Courts of Queen's Bench, Chancery, and Common Pleas respectively, may in their discretion admit as Attorneys or Solicitors of the said Courts respectively, any persons who have been called to the degree of Barrister-at-Law under the provisions of sub-section four of section one of *The Act respecting Barristers-at-Law*, on producing such evidence and testimonials, and undergoing an examination in the law of Ontario under the direction of the Law Society of Upper Canada, to the satisfaction of such Courts respectively. C. S. C. c. 75, s. 2.

#### SERVICE OF ARTICLED CLERKS.

4. The following enactments are made with respect to the service of articulated clerks, subject to the powers of the Benchers of the Law Society of Upper Canada to make rules, regulations, and by-laws under *The Act respecting the Law Society of Upper Canada*.

1. Whenever any person has been bound by contract, in writing, to serve as a clerk to an Attorney or Solicitor, such contract with the affidavit of execution thereof annexed thereto, shall within three months next after the execution of the contract be filed with one of the Clerks of the Crown and Pleas at Toronto, who shall endorse and sign upon such contract and affidavit a memorandum of the day of filing thereof, and every assignment of such contract, together with an affidavit of the execution thereof annexed thereto, shall be filed in like manner within the like period of three months next after the execution thereof. 28 V. c. 21, s. 8.

2. In case such contract or assignment (as the case may be), with the affidavit of execution annexed thereto, is not filed within three months after the date of the contract or assignment, the same may nevertheless be filed with either of the officers be-

fore mentioned, but the service of the clerk shall be reckoned only from the date of such filing, unless the Law Society in its discretion for special reasons in any particular case otherwise orders. 28 V. c. 21, s. 9.

3. Every person authorized to practise as an Attorney or Solicitor may have under contract in writing four clerks at one time, and no more; and no Attorney or Solicitor shall have any clerk bound as aforesaid, after such Attorney or Solicitor has discontinued practising as, or carrying on the business of an Attorney or Solicitor, nor whilst such Attorney or Solicitor is employed as a writer or clerk by any other Attorney or Solicitor; and the service by an articulated clerk to an Attorney or Solicitor under any such circumstances, shall not be deemed good service under the articles. C. S. U. C. c. 35, s. 13.

4. In case any Attorney or Solicitor, before the determination of the contract of a clerk bound to him as aforesaid, has become bankrupt, or taken the benefit of any Act for the relief of insolvent debtors, or having been imprisoned for debt, has remained in prison for the space of twenty-one days, any of the said Courts of Law or Equity, wherein such Attorney or Solicitor had been admitted to practise may, upon the application of such clerk, order the said contract to be discharged or assigned to such person, upon such terms, and in such manner as the Court thinks fit. C. S. U. C. c. 35, s. 14.

5. If an Attorney or Solicitor, to whom a clerk has been so bound, dies before the expiration of the term for which the clerk became bound, or if he discontinues practice as an Attorney or Solicitor, or if the contract is by the consent of the parties cancelled, or in case such clerk be legally discharged before the expiration of such term by any rule or order of the Court wherein such Attorney or Solicitor has been admitted, such clerk may be bound by another contract in writing, to serve as clerk to any other practising Attorney or Solicitor during the residue of his said term; and in case an affidavit is duly made and filed of the execution of such last mentioned contract within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original contract and the affidavit of its execution, due service under such second or subsequent contract shall be deemed sufficient. C. S. U. C. c. 35, s. 15.

#### CONDITIONS OF ADMISSION AS ATTORNEY OR SOLICITOR.

5. Subject to any rules, regulations and by-laws made by the Benchers of the Law Society of Upper Canada under *The Act respecting the Law Society of Upper Canada*, no person above mentioned shall be admitted and enrolled as an Attorney or Solicitor unless :

(a) He has during the time specified in his contract of service duly served thereunder, and has during the whole of such term been actually employed in the proper practice or business of an Attorney or Solicitor by the Attorney or Solicitor to whom he has been bound at the place where such Attorney or Solicitor has continued to reside, during such term (or with his consent) by the professional agent of such Attorney or Solicitor in Toronto, for a part of the said term, not exceeding one year, nor unless :

(b) He has after the expiration of such term of service been examined and sworn in the manner hereinafter directed ; nor unless :

(c) He has at least fourteen days next before the first day of the term in which he seeks admission, left with the Secretary of the Law Society his contract of service, and any assignment thereof and affidavits of the execution of the same respectively, and his own affidavit of due service thereunder, and a certificate of the Attorney or Solicitor to whom he was bound, or his agent as aforesaid, of such due service, and (in the case of a person who has been called to the Bar or taken a degree as hereinbefore mentioned) a certificate of his having been so called to the Bar or taken such degree or a duly authenticated certified copy of such certificate. C. S. U. C. c. 35, s. 3 (3) ; 28 V. c. 21, ss. 3-5.

2. Such affidavits shall be in the form approved of by the Judges of the Court to which application for admission is made, and shall by the applicant be delivered to the Law Society upon his application to be examined. C. S. U. C. c. 35, s. 4.

3. In case the contract of service, assignment (if any), affidavits and certificate of due service, or any of them, cannot be produced, then, on application to be made to the Law Society, by a petition verified by affidavit, to be left with the Secretary of the Society, at least fourteen days next before the first day of the Term on which the applicant seeks admission, the Society on being satisfied of such fact may, in its discretion, dispense with the production of such contract, assignment, affidavits, and certificate of due service, or any of them, and may, notwithstanding such non-production, grant the certificates provided for in the ninth section of this Act. 28 V. c. 21, s. 6.

4. The Benchers of the Law Society may allow any clerk under articles to a practising Attorney or Solicitor as part of his term of service, all and every period of time that such clerk may be employed in the Militia Service when the Militia are called out for actual service. 29-30 V. c. 49, s. 7.

5. No candidate shall be admitted unless he makes and subscribes the oath or affirmation following :

“I, A. B., do swear (or solemnly affirm, as the case may be) that I will truly and honestly demean myself in the practice of an Attorney (or Solicitor, as the case may be) according to the best of my knowledge and ability ; So help me God.”

C. S. U. C. c. 35, s. 6.

#### EXAMINATIONS.

6. Subject to any rules, regulations, and by-laws made by the Benchers of the Law Society of Upper Canada, under *The Act respecting the Law Society of Upper Canada*, the following enactments are made with respect to the examination of Articled Clerks and Candidates for Admission as Attorneys and Solicitors :

1. The Benchers of the Law Society of Upper Canada may, by regulation, require that Articled Clerks shall pass a preliminary examination ; and the term of service under articles to entitle each Articled Clerk to be admitted as an Attorney shall date only from the passing of such examination. 35 V. c. 6, s. 5.

2. Notwithstanding anything in this Act contained, no persons being of either of the classes of persons mentioned in sub-sections one and two of section two of this Act shall be admitted or enrolled as an Attorney or Solicitor, unless he has at some time during the year next but two before the time of his final examination, and at some time not less than one year thereafter and during the year next but one before the time of his final examination, passed examinations to the satisfaction of the said Benchers. 31 V. c. 23, s. 1.

3. In case any person is prevented by illness or other unavoidable cause, from presenting himself for, or fails to pass either of the examinations by this section required, within the time specified, the said Benchers may, in their discretion, permit such person to pass such examination at other times ; but not less than nine months shall elapse between the first and the second of such examinations, and not less than nine months shall elapse between the second of such examinations and the final examination. 31 V. c. 23, s. 6.

7. Subject to such rules and regulations of the Law Society of Upper Canada as aforesaid, no candidate for admission being of the class of persons respectively mentioned in sub-sections three, four, and five of section two of this Act, shall be admitted unless

(1) He publishes in the *Ontario Gazette*, at least two months previously, notice of his intention to apply for admission to the Court of Chancery, Queen's Bench, or Common Pleas (as the case may be), in the next ensuing Term of such Court ;

(2) Nor, (except in the case of a person called to the Bar of Ontario,) unless such candidate, at least fourteen days before the first day of such Term, leaves with the Secretary of the Law Society :

(a) In the case of a Barrister not being a Barrister of Ontario—a certificate under the seal of the Society, or Inn of Court in England, Scotland, or Ireland, of which he is a member, duly attested under the proper hand of the proper officer thereof, that he has been duly called to the Bar, and was at the date of such certificate on the Books of such Society or Inn of Court ; and also an affidavit of the applicant to the satisfaction of the Benchers of the Law Society, that since his admission to the Bar, no application to any Society or Inn of Court has been made against such person to disbar him or otherwise to disqualify him from further practice for misconduct in such his capacity of Barrister. C. S. U. C. c. 35, s. 7.

(b) And in the case of an Attorney or Solicitor,—a certificate under the seal of the proper Court or Courts, duly attested under the hand of the proper officer thereof, that he was duly admitted and enrolled as such Attorney or Solicitor, and was at the date of such certificate on the Roll of Attorneys or Solicitors of such Court or Courts ; and also, an affidavit of the applicant, that since his admission as aforesaid no application to any such Court or Courts (as the case may be) has been made against such person to strike him off the Roll of any such Court, or otherwise to disqualify him in the capacity of Attorney or Solicitor. C. S. U. C. c. 35, s. 7.

3. Such certificates respectively shall bear date within three months of the first day of the Term during which the application is made. C. S. U. C. c. 35, s. 7.

8. The Benchers of the Law Society of Upper Canada, with the approbation of the Visitors (including one at least of the Judges of each of the Superior Courts of Law and Equity), shall from time to time make such Rules as they consider necessary for conducting the examination of persons applying to be admitted as Attorneys or Solicitors, as well touching the articles and service, and the several certificates required by law to be produced by them before their admission, as touching the fitness and capacity of such persons to act as Attorneys or Solicitors ; and the Society may from time to time nominate and appoint Examiners for conducting such examinations. C. S. U. C. c. 35, s. 8. See also Rev. Stat. c. 138, s. 39.

9. The Benchers of the Law Society, upon proof to their satisfaction of the requisites of this Act having been complied with, shall examine and enquire by such ways and means as they think

proper, touching the fitness and capacity of any applicant for admission to act as an Attorney or Solicitor ; and if satisfied by such examination, or by the certificate of the Examiners mentioned in section eight of this Act, that such person is duly qualified, fit, and competent to act as an Attorney or Solicitor, the Society shall give a certificate under the corporate seal of the said Society of the due service under contract in writing, of such person, and of his fitness and capacity, and of his having duly complied with the requirements of this Act, and that he is in all respects duly qualified to be admitted as an Attorney and Solicitor. C. S. U. C. c. 35, s. 10, *first part*.

10. Upon production to one of the Judges of the Superior Courts of Law or of Equity, annexed to such certificate of the original contract of service and any assignments thereof, and the affidavits of due service thereunder, and all other certificates hereinbefore required, such Judge shall endorse his fiat of admission upon the certificate of the Law Society : and thereupon any of the Superior Courts of Law or Equity during the Term in which such application for admission is made, may, in addition to the oath of allegiance, administer to such person in open Court the oath hereinbefore directed to be taken by Attorneys and Solicitors, and after such oaths taken may cause him to be admitted and his name to be enrolled as an Attorney or Solicitor of such Court, which admission shall be signed by the Clerk or Registrar of the Court, and the documents upon which the admission has been obtained shall be filed and retained of record in the office of the Court in which the admission takes place. C. S. U. C. c. 35, s. 10, *last part*.

11. Every person duly admitted, sworn, and enrolled as an Attorney or Solicitor of any one of the Courts of Queen's Bench, Common Pleas, or Court of Chancery, shall, upon production of his admission therein, or an official certificate of such admission, and that the same still continues in force, and upon signing the Roll of the other Court, be admitted an Attorney or Solicitor of either or both of the other Courts, and any such Solicitor or Attorney may practise in the Court of Appeal. C. S. U. C. c. 35, s. 20.

#### FEES.

12. The following fees shall be payable to the Crown in stamps under this Act, subject to the provisions of the *Act respecting Law Stamps*, that is to say :

1. To Clerk of the Crown and Pleas—on filing Articles and Assignments (if any) and every affidavit of execution of such Articles, and making the endorsement required by this Act. \$0 50

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|--|--------|
| 2. To the Clerk of the Court whence Fiat issues—For Fiat for admission and oath, and on signing the Roll .....                                     | \$1 00 |
| 3. To the Clerk of the Court whence Fiat issues—For Certificate  | 2 00   |
| 4. To the Clerk of the Court on admission upon Certificate of admission of any other Court—for signing the Roll and Certificate of admission ..... | 2 00   |

C. S. U. C. c. 35, s. 26 ; 33 V. c. 9, s. 1.

#### ANNUAL CERTIFICATES.

13. The Clerks of the Crown and Pleas respectively, and the Registrar in Chancery, shall annually, during the Vacation after Trinity Term, deliver to the Secretary or at his office in Osgoode Hall, certified under their respective hands and the Seals of the said Courts respectively, a copy of so much of the Roll of Attorneys and Solicitors of their respective Courts, as contains the names of those admitted to practise therein subsequently to the last return by such Clerks or Registrar respectively made to the said Secretary. C. S. U. C. c. 35, s. 50.

14. The Secretary shall enter all such certified copies in a book to be kept in his office for that purpose, affixing to each name a number following in consecutive order the numbers affixed to the names previously entered in such book. C. S. U. C. c. 35, s. 51.

15. The Secretary shall, in another book to be kept in his office for that purpose, enter all the names contained in the copies of Rolls so transmitted to him, alphabetically arranged, with a reference to the numbers of each name on the Roll or Rolls on which the same stands ; and shall, annually on or before the first day of February, put up in his office, and also in the offices of each of the Clerks of the Crown and Pleas and Registrar in Chancery, an alphabetical list certified by him, under his hand, of all Attorneys and Solicitors who have taken out their certificates for the then current year, and shall from time to time add to the list put up in his own office the name of each Attorney or Solicitor who takes out a certificate at a subsequent period of the year, noting thereon the time when such certificate was taken out. C. S. U. C. c. 35, s. 55.

16. Each practising Attorney and Solicitor shall obtain from the Secretary of the Law Society, annually, before the last day of Michaelmas Term, a certificate under the seal of the said Society stating the Superior Courts in which he is a practising Attorney or Solicitor. 29-30 V. c. 49, s. 3 ; 39 V. c. 31, s. 3.

2. Such certificates shall be issued by the Secretary of the Law Society, under the seal of the said Society, according to the list

of names appearing in the copy of the roll of Attorneys and Solicitors of the respective Courts, certified to the said Secretary by the Clerks of the Crown and Pleas and Registrar in Chancery under section thirteen of this Act. 39 V. c. 31, s. 3.

3. Upon the payment of all fees and dues payable by such Attorney or Solicitor to the said Society, the Secretary shall write his name on the margin thereof, with the date thereof, and such certificate shall be taken as issued only from such date. 29-30 V. c. 49, s. 3.

4. The said Law Society shall determine what fees shall be payable for such certificates. 39 V. c. 31, s. 3.

17. No such certificate shall be issued to any Attorney or Solicitor, who is indebted to the said Society, for any Term or other fee payable to the Society, nor until the annual fee for each certificate prescribed by the rules of the said Society is paid. 29-30 V. c. 49, s. 4.

18. No Attorney or Solicitor, admitted as aforesaid, is required to take out any such certificate until the Michaelmas Term next following his admission. C. S. U. C. c. 35, s. 58.

19. If any Attorney or Solicitor omits taking out such annual certificate in Michaelmas Term, he shall not be entitled thereto until he pays to the said Treasurer, not only the certificate fee, so appointed as aforesaid, together with any fees or dues which he owes to the said Society, but also an additional sum by way of penalty, in respect of each of such Courts as follows :

2. If such certificate is not taken out before the first day of Hilary Term, the further sum of two dollars : if not before the first day of Easter Term, the further sum of three dollars ; and, if not before the first day of Trinity Term, the further sum of four dollars. 29-30 V. c. 49, s. 5.

20. If any Attorney or Solicitor, or any member of any firm of Attorneys or Solicitors, either in his own name or in the name of any member of his firm, practises in any of the Courts of Queen's Bench, Chancery, or Common Pleas, without such certificate being taken out by such Attorney or Solicitor, and by each member of his firm, he shall forfeit the sum of forty dollars, which forfeiture shall be paid to the Treasurer of the Law Society for the uses thereof, and may be recovered in any of the said Courts. 28 V. c. 21, s. 10.

21. If any Attorney or Solicitor practises in any of the said Courts of Queen's Bench, Chancery, or Common Pleas, or in the County Courts respectively, without such certificate in each and any year of his practice he shall be liable to be suspended from

practice for any such offence, in all of such Courts for a period of not less than three nor more than six months, and to continue so suspended until the fee upon his certificate for the year in which he so practised without certificate, is together with a penalty of forty dollars, paid to the Treasurer of the Law Society, and the proceedings for such suspension may be taken in any of the said Superior Courts, and upon the rule being made absolute for such suspension in any of the said Superior Courts, such Attorney or Solicitor shall be suspended from practice in the other Courts in the same manner, and for the same period, as if the rule had been made absolute also in each of the said other Courts. 29-30 V. c. 49, s. 6; 39 V. c. 31, s. 5.

22. Each of the Clerks and Deputy Clerks of the Crown and Pleas and the Registrar and Deputy Registrars of the Court of Chancery, shall, at the commencement of each year, make out a list of the names of every Attorney and Solicitor who by the papers or proceedings filed or had in their respective offices appears to have practised as such Attorney or Solicitor at any time during the preceding year ending with the thirty-first day of December. C. S. U. C. c. 35, s. 59.

23. Such Clerks, Deputy Clerks, Registrar, and Deputy Registrars respectively, shall, on or before the first day of Hilary Term in the year next to that for which they are made up, deliver or hand such lists to the Secretary at Osgoode Hall, certified under their respective hands and seals. C. S. U. C. c. 35, s. 60.

24. In case an Attorney or Solicitor is a prisoner in any gaol or prison, he shall not during his confinement therein, or within the limits thereof, commence, prosecute, or defend as such Attorney or Solicitor any action in any Court of Law or Equity, nor act in any matter in Bankruptcy or Insolvency; and any such Attorney or Solicitor so practising, and any Attorney or Solicitor permitting or empowering him so to practise in his name, shall be guilty of a contempt of the Court in which any such proceedings take place, and upon the application of any person complaining thereof shall be punishable by such Court accordingly; and such Attorney or Solicitor shall moreover be incapable of maintaining any action at Law or in Equity for the recovery of any fee, reward, or disbursement for or in respect of any matter or thing done by him whilst such prisoner as aforesaid in his own name or in the name of any other Attorney or Solicitor. C. S. U. C. c. 35, s. 16.

25. In case an Attorney or Solicitor wilfully and knowingly acts as the professional agent of any person not duly qualified to act as an Attorney or Solicitor, or suffers his name to be used in

any such agency on account or for the profit of any unqualified person, or sends any process to such person, or does any other act to enable such person to practise in any respect as an Attorney or Solicitor, knowing him not to be duly qualified, and in case complaint is made thereof in a summary way to any of the Superior Courts wherein such Attorney or Solicitor has been admitted, and proof is made thereof upon oath to the satisfaction of the Court, the Attorney or Solicitor so offending may, in the discretion of the Court, be struck off the Roll and disabled from practising as such Attorney or Solicitor : and the Court may also commit such unqualified person so having practised as aforesaid to any common gaol or prison for any term not exceeding one year. C. S. U. C. c. 35, s. 17.

26. Either of the Superior Courts of Law, or the Court of Chancery, may strike the name of any Attorney or Solicitor off the roll of Attorneys or Solicitors of the Court, for default by him in payment of moneys received by him as an Attorney or Solicitor. 37 V. c. 7, s. 89.

27. In case any person, unless himself a plaintiff or defendant in the proceeding, commences, prosecutes, or defends in his own name, or in that of any other person, any action or proceeding in any Court of Law or Equity, without being admitted and enrolled as aforesaid, he shall be incapable of recovering any fee, reward, or disbursements on account thereof ; and such offence shall be a contempt of the Court in which such proceeding has been commenced, carried on, or defended, and punishable accordingly. C. S. U. C. c. 35, s. 18.

28. No Attorney or Solicitor shall practise in any Court of Law or Equity in Ontario, either in his own name or by his partner, deputy, or agent, or in the name of any other person, or otherwise, directly or indirectly while he holds, possesses, practises, carries on, or conducts any of the offices of Registrar of the Court of Appeal, Clerk of the Crown and Pleas of the Courts of Queen's Bench or Common Pleas, or of Deputy Clerk of the Crown and Pleas of any County or Union of Counties, Registrar of the Court of Chancery, Clerk of a County Court, or Clerk of a Division Court, and every such person so practising, shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of two thousand dollars, to be recovered in an action of debt in either of Her Majesty's Superior Courts of Common Law, to the use of Her Majesty ; but nothing herein contained shall extend to any Local Master or Deputy Registrar of the Court of Chancery. C. S. U. C. c. 35, s. 21.

29. No Attorney or Solicitor shall practise in any of the Courts in Ontario during the time he is engaged in the business of a merchant, or connected by partnership, public or private, in

purchasing or vending merchandise in the way of trade as a merchant, nor until twelve months after he has ceased to be such merchant or to be so engaged, or to be connected as aforesaid. C. S. U. C. c. 35, s. 22.

TIME LIMITED FOR STRIKING AN ATTORNEY OFF THE ROLL.

**30.** Except in case of fraud, no person admitted and enrolled shall be struck off the Roll on account of any defect in the articles of clerkship, or in the registry thereof, or in his service thereunder, or in his admission and enrolment, unless application for striking him off the Roll is made within twelve months next after his admission and enrollment. C. S. U. C. c. 35, s. 19.

PROCEEDINGS IF STRUCK OFF THE ROLL.

**31.** Wherever any Attorney or Solicitor is struck off the Roll of any of the said Courts, the Clerk of the Crown or Registrar of such Court shall certify the same under his hand and the seal of the Court to the Secretary of the Law Society, stating whether such Attorney or Solicitor was struck off at his own request or otherwise, and the Secretary shall attach such certificate to the certified copy of the Roll on which the name of such person stands, and shall, in the book to be by him kept as aforesaid, make a note opposite the name of such person, of his having been struck off such Roll. C. S. U. C. c. 35, s. 52.

ATTORNEY'S COSTS.

**32.** No suit at Law or in Equity shall be brought for the recovery of fees, charges, or disbursements, for business done by any Attorney or Solicitor as such, until one month after a bill thereof, subscribed with the proper hand of such Attorney or Solicitor, his executor, administrator, or assignee (or, in the case of a partnership, by one of the partners, either with his own name, or with the name or style of such partnership), has been delivered to the party to be charged therewith, or sent by the post to, or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, or been enclosed in or accompanied by a letter subscribed in like manner, referring to such bill. C. S. U. C. c. 35, s. 27.

**33.** Upon the application of the party chargeable by such bill within such month any of the Superior Courts of Law or Equity or any Judge thereof, or any Judge of a County Court shall, without money being brought into Court, refer the bill and the demand thereon to be taxed by the proper officer of any of the Courts in the County in which any of the business charged for in such bill was done, and the Court or Judge making such reference shall restrain the bringing any suit for such demand pending the reference. 34 V. c. 12, s. 13.

34. In case no application is made within the month, then the Court or Judge upon the application of either party may order a reference with such directions and conditions as he may deem proper; and may upon such terms as may be thought just restrain any suit for such demand pending the reference. C. S. U. C. c. 35, s. 29.

35. No such reference shall be directed upon application made by the party chargeable with such bill after a verdict has been obtained or a Writ of Inquiry executed, or after twelve months from the time such bill was delivered, sent, or left as aforesaid, except under special circumstances, to be proved to the satisfaction of the Court or Judge to whom the application for the reference is made. C. S. U. C. c. 35, s. 30.

36. In case either party to any such reference, having due notice, refuses or neglects to attend the taxation, the officer to whom the reference is made may tax the bill *ex parte*; and in case the reference is made upon the application of either party, and the party chargeable with the bill attends the taxation, the costs of the reference shall be paid according to the event of the taxation, except that if a sixth part is taxed off, the costs shall be paid by the party by whom or on whose behalf such bill was delivered; and if less than a sixth part is taxed off, then by the party chargeable with such bill, if he applied for or attended the taxation. C. S. U. C. c. 35, s. 31.

37. Every order for such reference shall direct the officer to whom the reference is made, to tax the costs of the reference, and to certify what, upon the reference, he finds to be due to or from either party in respect of such bill and of the costs of the reference, if payable. C. S. U. C. c. 35, s. 32.

38. Such Officer may certify specially any circumstances relating to such bill or taxation, and the Court or Judge may thereupon make such order as may be deemed right respecting the payment of the costs of the taxation. C. S. U. C. c. 35, s. 33.

39. In case such reference is made when the same is not authorized, except under special circumstances as hereinbefore provided, the Court or Judge, in making the same, may give any special directions relative to the costs of the reference. C. S. U. C. c. 35, s. 34.

40. Where no bill has been delivered, sent, or left as aforesaid, and where such bill, if delivered, sent, or left, might have been referred as aforesaid, any such Court or Judge may order the delivery of a bill, and may also order the delivery up of deeds or papers in the possession, custody or power of the Attorney or Solicitor, his assignee or representatives, in the same

manner as has heretofore been done in cases where any such business had been transacted in the Court in which such order was made. C. S. U. C. c. 35, s. 35.

41. In proving a compliance with this Act it shall not be necessary in the first instance to prove the contents of the bill delivered, sent or left, but it shall be sufficient to prove that a bill of fees, charges, or disbursements subscribed in the manner aforesaid, or inclosed in or accompanied by such letter as aforesaid, was delivered, sent, or left in manner aforesaid; but the other party may shew that the bill so delivered, sent, or left, was not such a bill as constituted a *bona fide* compliance with this Act. C. S. U. C. c. 35, s. 36.

42. Any Judge of the Superior Courts of Law or Equity, or a County Judge, on proof to his satisfaction that there is probable cause for believing that the party chargeable is about to quit Ontario, may authorize an Attorney or Solicitor to commence an action for the recovery of his fees, charges, or disbursements against the party chargeable therewith, although one month has not expired since the delivery of a bill as aforesaid. C. S. U. C. c. 35, s. 37.

43. Where any person not being chargeable as the principal party is liable to pay or has paid any bill either to the Attorney or Solicitor, his assignee, or representative, or to the principal party entitled thereto, the party so paying, his assignee or representative, may make the like application for a reference thereof to taxation and in like manner as the party chargeable therewith might himself have made, and the same proceedings shall be had thereupon, as if such application had been made by the party so chargeable. C. S. U. C. c. 35, s. 38.

44. In case such application is made when, under the provisions hereinbefore contained a reference is not authorized to be made except under special circumstances, the Court or Judge to whom the application is made, may take into consideration any additional special circumstances applicable to the person making it, although such circumstances might not be applicable to the party chargeable with the bill, if he was the party making the application. C. S. U. C. c. 35, s. 39.

45. For the purpose of any such reference upon the application of the person not being the party chargeable, or of a party interested as aforesaid, such Court or Judge may order the Attorney or Solicitor, his assignee or representative, to deliver to the party making the application a copy of the bill, upon payment of the costs of the copy. C. S. U. C. c. 35, s. 40.

46. No bill previously taxed shall be again referred, unless under the special circumstances of the case the Court or Judge to whom the application is made thinks fit to direct a retaxation thereof. C. S. U. C. c. 35, s. 41.

47. The payment of any such bill as aforesaid shall in no case preclude the Court or Judge to whom application is made from referring such bill for taxation, if the application is made within twelve months after payment, and if the special circumstances of the case in the opinion of such Court or Judge appear to require the same, upon such terms and subject to such directions as to the Court or Judge seem right. C. S. U. C. c. 35, s. 42.

48. In all cases in which a bill is referred to be taxed, the officer to whom the reference is made, may request the proper officer of any other Court to assist him in taxing any part of such bill, and such officer, so requested, shall thereupon tax the same, and shall have the same powers, and may receive the same fees in respect thereof, as upon a reference to him by the Court of which he is such officer, and he shall return the bill, with his opinion thereon, to the officer who so requests him to tax the same. C. S. U. C. c. 35, s. 43.

49. All applications made to refer any bill to be taxed, or for the delivery of a bill, or for the delivering up of deeds, documents and papers, shall be made "In the matter of (such Attorney or Solicitor)"; and upon the taxation of any such bill, the certificate of the officer by whom the bill is taxed shall (unless set aside or altered by order of a Judge, or by decree or rule of Court,) be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the practice of the Court in which the reference has been made. C. S. U. C. c. 35, s. 44.

#### JUDGES MAY MAKE RULES.

50. The Judges of the Courts of Queen's Bench, Common Pleas, and Chancery may, from time to time, make such Rules or Regulations, other than the Rules or Regulations hereinbefore referred to, as to them seem necessary and meet for carrying out the provisions of this Act. C. S. U. C. c. 35, s. 25.

#### PRESENT PRACTICE AS TO ADMISSIONS NOT ALTERED.

51. Nothing in this Act contained shall interfere with the present practice of the said Courts as to the admission of Attorneys or Solicitors, nor with their jurisdiction over them as officers of the said Courts. 39 V. c. 31, s. 6.

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## An Act respecting Notaries Public, Rev. Stat. Ont. Cap. 141.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall be lawful for the Lieutenant-Governor to appoint from time to time as he thinks fit under his hand and seal at arms, one or more Notaries Public for this Province. 33 V. c. 6, s. 1.

2. Every such Notary shall have, use, and exercise the power of drawing, passing, keeping, and issuing all deeds and contracts, charter-parties and other mercantile transactions in this Province, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as usual in the office of Notary, and may demand, receive, and have all the rights, profits, and emoluments rightfully appertaining and belonging to the said calling of Notary Public during pleasure. 33 V. c. 6, s. 2.

3. Persons, other than Barristers and Attorneys duly admitted as such in this Province, desirous of being appointed as Notaries Public, shall be subject to examination in regard to their qualification for the said office, by the County Court Judge of the County in which such persons reside, or by such other person as may from time to time be appointed in that behalf by the Lieutenant-Governor ; and no person shall be appointed a Notary Public without a certificate from said County Court Judge, or such other person, that he has examined the applicant and finds him qualified for the office, and that he is of opinion that a Notary Public is needed for the public convenience in the place where such applicant resides and intends to carry on business.

2. The Lieutenant-Governor in Council may from time to time make regulations for such examination and certificate ; and the Judge or other person examining shall be entitled to receive from the person examined a fee of five dollars for every examination. 40 V. c. 8, s. 26.

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An Act to confer on Notaries Public the powers of Commissioners, Stat. Ont. 48 Vic. Cap. 16.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All Notaries Public heretofore or hereafter appointed, and having authority in Ontario, shall have, and there is hereby conferred upon them, the same powers as commissioners who have been appointed under the Revised Statute *Respecting Commissioners for taking Affidavits and Affirmations*, chapter sixty-three, and the Revised Statute *Respecting Commissioners to take Recognizances of Bail*, chapter eighty, or under section one of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered eleven.

2. Every Notary Public heretofore or hereafter appointed may in any part of Ontario take and receive all and every such affidavits and affirmations (in cases where by law affirmation is allowed) as any person or persons desire to make in or concerning any matter or thing depending or in any wise concerning any of the proceedings in the High Court of Justice for Ontario, or in the Court of Appeal for Ontario, and in all the County and Division Courts, or concerning any application made or depending before a Judge or Judges of any of said Courts, and in or concerning any application or matter made or pending before any Judge of any Court in this Province in which, by any statute now or hereafter in force in Ontario, and within the legislative authority of this Province, such Judge is authorized to make any order, although such application or matter is not made or pending in any Court.

3. Section 43 of chapter one hundred and eleven of the Revised Statutes is hereby amended by adding at the end of subsection one the following words, "or before a Notary Public heretofore or hereafter appointed, and having authority as such Notary in Ontario."

4. Every Notary Public shall be deemed an officer of the High Court of Justice for Ontario and of the Court of Appeal for Ontario, and all affidavits and affirmations taken shall be of the same force as if taken before a Commissioner, and may be read and may be made use of as other affidavits and affirmations taken in Court.

5. Any Notary Public misconducting himself in respect of the powers hereby conferred upon him shall be subject to the same penalty or punishment as a Commissioner in and for the High Court of Justice for Ontario; and any power conferred upon a Notary Public under this Act may be revoked in the same way and manner and to the same extent as if such power had been conferred upon him under any of the provisions of the Acts mentioned in section one of this Act.

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