

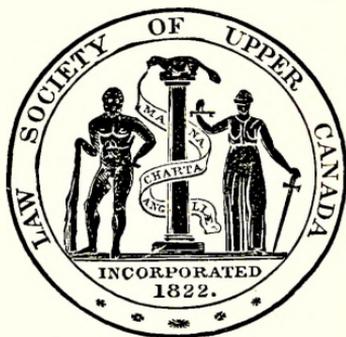
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THE  
RULES  
OF  
THE LAW SOCIETY  
OF  
UPPER CANADA.

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PASSED IN CONVOCATION, TRINITY TERM,  
60 VICTORIA,

AND APPROVED BY THE VISITORS OF THE  
SOCIETY



TORONTO :  
PRINTED FOR THE SOCIETY BY ROWSELL & HUTCHISON.

1896.



# Law Society of Upper Canada.

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## Visitors.

THE HONOURABLE THE JUDGES OF THE SUPREME COURT OF JUDICATURE FOR ONTARIO.

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## Benchers.

*Ex Officio.*

(See R. S. O. cap. 145, sec. 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 AND EQUITY FOR ONTARIO OR OF THE SUPREME COURT OF JUDICATURE FOR ONTARIO.

The following gentlemen have seats in Convocation as *ex officio* Benchers:

THE HONOURABLE SIR OLIVER MOWAT, K.C.M.G.,  
*Minister of Justice and Attorney-General for Canada ; formerly Attorney-General for Ontario [31st October, 1872].*

THE HONOURABLE ARTHUR STURGIS HARDY, Q.C.,  
*Attorney-General for Ontario [25th July, 1896].*

THE HONOURABLE ALBERT NORTON RICHARDS, Q.C.,  
*Formerly Solicitor-General for that part of the late Province of Canada formerly called Upper Canada [Hilary Term, 27 Victoria, 1864].*

THE HONOURABLE EDWARD BLAKE, Q.C.,  
*Formerly Minister of Justice [19th May, 1875].*

THE HONOURABLE SAMUEL HUME BLAKE, Q.C.,  
*Retired Vice-Chancellor [15th May, 1881].*

THE HONOURABLE WILLIAM PROUDFOOT,  
*Retired Judge of the Supreme Court of Judicature for Ontario [8th May, 1890].*

THE HONOURABLE SIR THOMAS GALT,  
*Retired Chief Justice of the Common Pleas [1st September, 1894].*

THE HONOURABLE SIR CHARLES HIBBERT TUPPER, Q.C., K.C.M.G.,  
*Formerly Minister of Justice [8th February, 1895].*

THE HONOURABLE ARTHUR RUPERT DICKEY, Q.C.,  
*Formerly Minister of Justice [14th February, 1896].*

ELECTED TO HOLD OFFICE FOR FIVE YEARS FROM 1ST DAY OF  
EASTER TERM, 1896.

ALLEN BRISTOL AYLESWORTH, Toronto.  
 RICHARD BAYLY, London.  
 JOHN BELL, Belleville.  
 BYRON MOFFATT BRITTON, Kingston.  
 ALEXANDER BRUCE, Hamilton.  
 ALFRED HENRY CLARKE, Windsor.  
 WILLIAM DOUGLAS, Chatham.  
 ELIHU BURRITT EDWARDS, Peterborough.  
 GEORGE CHRISTIE GIBBONS, London.  
 DONALD GUTHRIE, Guelph.  
 ARTHUR STURGIS HARDY, Brantford.  
 WILLIAM DRUMMOND HOGG, Ottawa.  
 JOHN HOSKIN, Toronto.  
 JOHN IDINGTON, Stratford.  
 ÆMILIUS IRVING, Toronto.  
 WILLIAM KERR, Cobourg.  
 EDWARD MARTIN, Hamilton.  
 CHARLES MOSS, Toronto.  
 D'ALTON MCCARTHY, Toronto.  
 COLIN MACDOUGALL, St. Thomas.  
 DONALD BAN MACLENNAN, Cornwall.  
 BRITON BATH OSLEER, Toronto.  
 MARTIN O'GARA, Ottawa.  
 WILLIAM RENWICK RIDDELL, Toronto.  
 CHARLES HENRY RITCHIE, Toronto.  
 CHRISTOPHER ROBINSON, Toronto.  
 GEORGE FERGUSSON SHEPLEY, Toronto.  
 HENRY HATTON STRATHY, Barrie.  
 JAMES VERNALL TEETZEL, Hamilton.  
 GEORGE HUGHES WATSON, Toronto.

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**Treasurer, Easter, 1896=1897.**

ÆMILIUS IRVING.

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**Secretary and Sub-Treasurer.**

HERBERT MACBETH,  
*Barrister-at-Law.*

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**Librarian.**

W. GEO. EAKINS, M.A.,  
*Barrister-at-Law.*

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

1797-1798	John White.
1798-1801	Robert Isaac Dey Gray.
1801-1805	Angus Macdonell.
1805-1806	Thomas Scott.
1806-1811	D'Arcy Boulton.
1811-1815	William Warren Baldwin.
1815-1818	D'Arcy Boulton.
1818-1819	John Beverley Robinson.
1819-1820	Henry John Boulton.
1820-1821	William Warren Baldwin.
1821-1822	John Beverley Robinson.
1822-1824	Henry John Boulton.
1824-1828	William Warren Baldwin.
1828-1829	John Beverley Robinson.
1829-1832	George Ridout.
1832-1836	William Warren Baldwin.
1836	Robert Baldwin Sullivan.
1836-1841	Robert Simpson Jameson.
1841-1843	Levius Peters Sherwood.
1843-1845	William Henry Draper.
1845-1846	Robert Simpson Jameson.
1846-1847	Henry John Boulton.
1847-1848	Robert Baldwin.
1848-1849	James Edward Small.
1849-1850	Robert Easton Burns.
1850	John Godfrey Spragge.
1850-1859	Robert Baldwin.
1859	James Buchanan Macaulay.
1859-1876	John Hillyard Cameron.
1876-1879	Stephen Richards.
1879-1893	Edward Blake.
1893	Æmilius Irving.

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

RESOLUTIONS OF CONVOCAION.

1. *Resolved*—That the Law Society of Upper Canada was established by Act of Parliament of Upper Canada, of the 37th 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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# THE RULES

OF

## THE LAW SOCIETY OF UPPER CANADA,

PASSED IN TRINITY TERM, 1896.

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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, so far as any of such rules is or are subject to approval or disapproval by the Visitors, it is ordained as follows:

### INTERPRETATION.

1. All former Rules of the Society are hereby repealed, but the repeal thereof shall not revive any rule by them repealed or prevent the application of any rule formerly in force to any matter or thing anterior to the said repeal to which they would otherwise apply.

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.

### SEAT OF THE SOCIETY.

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

### SEAL.

4. The Seal of the Society heretofore 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 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.

5. The custody of the Seal of the Society shall belong to the Sub-Treasurer for the time being, who shall counter-sign every instrument to which he shall affix such Seal.

#### ROLLS AND ARCHIVES.

6. The Secretary shall, during the term of his office, safely keep the Rolls and Archives of the Society.

7. No alteration or addition shall be made in or upon the Rolls of the Society except under the authority of Convocation.

8. At the close of every Term the entries to be made on the Rolls in consequence of the admissions, calls, elections or appointments, or orders of Convocation during Term, shall be thereupon made by the Secretary in the paper roll, and the index shall be continued, and the paper roll and index shall thereupon be submitted to the Committee on Journals and Printing for examination and approval.

9. The entries in the parchment rolls of the Society shall be made by the Secretary from the paper roll, under the superintendence of the Committee on Journals and Printing.

#### TERMS AND MEETINGS OF CONVOCATION.

10. The Terms of the Society shall be as follows:—

Hilary Term, commencing first Monday in February, lasting two weeks.

Easter Term, commencing third Monday in May, lasting three weeks.

Trinity Term, commencing second Monday in September, lasting two weeks.

Michaelmas Term, commencing third Monday in November, lasting three weeks.

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

12. The standing Convocation days shall be Tuesday and Wednesday of the first week of each Term, Friday of the last week of each Term and Saturday of the first week of Easter Term. The hour of meeting on Tuesday and Wednesday of the first week shall be ten o'clock in the forenoon and on other standing Convocation days eleven o'clock in the forenoon, unless otherwise ordered, and Convocation may adjourn to any day previous to the next standing Convocation day. All business shall, as far as it can conveniently be done, be transacted on the Tuesday and Wednesday sittings of each Term.

13. 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 to each Bencher by telegraph or otherwise, and by posting a notice in the Library of the Society at least one day previous to the day of meeting. (Appendix A.)

14. Five Benchers shall be a quorum, except on Tuesday and Wednesday of the first week of Term during the hour between ten and eleven o'clock in the forenoon (during which hour three Benchers shall be a quorum), and except for the purpose mentioned in Rule 118.

15. In case a quorum is not present 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.

16. In case a quorum of five Benchers is not present at any meeting of Convocation, 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 behalf of the Society, to dispose of any applications for admission on the books as students, or of any applications for Call or for Certificates of Fitness, by any Candidates whose petitions stand regularly on the order of such day to be proceeded with, and may dispose of such applications as such Benchers may 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.

17. The members of the Bench shall appear in Convocation on the first and second days of meeting in each Term in the apparel of Barristers appearing in Court.

18. (1) The Secretary shall report to Convocation on the first day of meeting in each Term, and at each meeting of Convocation held between Terms, the names of such elected Benchers, if any, as have failed to attend the meetings of Convocation for three consecutive Terms.

(2) Such report shall then be referred to the Committee on Journals and Printing for report to Convocation thereon.

(3) If such Committee report the seat of any Bencher vacant for the cause mentioned, a day shall be appointed for taking such report into consideration, and the Bencher interested shall be notified of the report, and of the time at which it is to be taken into consideration.

19. The proceedings of Convocation during each Term shall be printed under the superintendence of the Standing Committee on Journals and Printing, and an index to the minutes of Convocation shall be prepared after each Term.

20. At each meeting of Convocation, the minutes of the previous ordinary or special meeting shall be read, and after being approved, shall be signed by the Treasurer, or the Chairman.

21. The order of proceedings at the ordinary meetings of Convocation shall be as follows :—

Before eleven o'clock :

(1) Reading the minutes of the last meeting of Convocation.

(2) Receiving and considering reports of the Legal Education Committee upon examinations and upon the standing of Candidates.

(3) Consideration of such other business authorized to be transacted on a previous day as may be unfinished.

After eleven o'clock :

(4) Receiving and considering special reports of the Legal Education Committee.

(5) Call of Barristers.

(6) Receiving and considering Petitions.

(7) Receiving and considering communications.

(8) Receiving and considering reports of Committees.

(9) Consideration of special business.

(10) Motions.

(11) Reading of Rules.

(12) Notices of motion.

22. On the Tuesday and Wednesday of the first week of Term the Treasurer or Chairman for the time shall defer until after the hour of eleven o'clock the consideration of any question or matter arising out of the business which requires special consideration, or is not of a formal or routine character, or is reported by the Legal Education Committee as proper to be deferred.

23. It shall be the duty of the Treasurer or Chairman for the time being to announce to Convocation at the hour of eleven o'clock on the first and second days of meeting in Term, and at the opening of Convocation on other business days, any special or important matters on the order of business for the day, and to take the sense of Convocation as to the order of disposition of the same.

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

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

26. 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, or respecting the service, articles of clerkship, or examination of any Candidate for certificate of fitness, or respecting any admission into the Society, or any Intermediate 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.

27. The County Court Judges of the Province of Ontario shall have the privilege of using the Benchers' Room at Osgoode Hall.

#### COMMITTEES.

28. 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.      |
| 4. Legal Education. |                           |

29. Each Standing Committee shall consist of twelve members, in the case of the Finance Committee, fourteen, in addition to the Treasurer, who shall be *ex officio* a member of all Standing Committees. Three members of any Committee shall constitute a quorum, unless otherwise specially ordered.

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

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

## TREASURER.

32. The election of Treasurer shall take place in Easter Term, pursuant to the Statute. (See R. S.O. ch. 145, s. 33.)

33. The Treasurer shall preside in Convocation.

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

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

36. In case of a vacancy in the office of the Treasurer, 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.

## OFFICERS.

37. There shall be the following salaried officers of the Society :—

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

(2) An Editor 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; and there shall be during the incumbency of the present Reporter of the Court of Appeal an Assistant Reporter of the said Court.

(4) A Principal of the Law School.

(5) Four Lecturers in the Law School.

(6) Four Examiners.

(7) A Librarian and an Assistant Librarian.

(8) The Secretary, Librarian, and Assistant Librarian shall be severally required at all times to discharge the duties of any officer of the Society when required by Con-

vocation, or by the Treasurer, or by the Chairman of any Committee having supervision over the functions or duties to be discharged.

38. The Officers above mentioned shall perform all such duties as may be assigned to them respectively by the rules of the Society, or by any special orders of Convocation.

39. All offices in the gift of the Law Society or of Convocation shall be held during the pleasure of Convocation.

40. In case the pleasure of Convocation be not earlier determined, no Examiner shall hold office for more than three years from the time at which his appointment takes effect, and no Examiner shall be eligible for reappointment.

41. In case the pleasure of Convocation be not earlier determined, no Lecturer, save the Principal, shall hold office for more than three years from the time at which his appointment takes effect, but each Lecturer shall be eligible for reappointment.

42. In case the pleasure of Convocation be not earlier determined, no Editor or Reporter shall hold office for more than three years from the time at which his appointment takes effect, but every Editor and Reporter shall be eligible for reappointment.

43. With reference to existing officers, the preceding Rules as to determination of offices by efflux of time shall operate to determine their tenure of office, as follows:

(a) As to Examiners, on the last day of Trinity Term, 1899.

(b) As to Lecturers, on the last day of Easter Term 1899.

(c) As to Editor and Reporters, on the last day of Michaelmas Term, 1896.

44. No person shall be appointed an officer of the Society, unless one week's notice of the intention to make the appointment has been given by the Secretary by circular

to each Bencher; provided, however, that the Treasurer may temporarily fill any vacancies which the exigencies of the case require to be filled.

45. If two or more Benchers are to be elected on the same day by Convocation, or if there are two or more applicants for an office to be filled, each Bencher voting shall have as many votes on each ballot as there are vacancies to be filled or appointments to be made; provided that on no ballot shall any Bencher cast more than one vote for any one person.

46. No person who is a member of a firm of which one or more of the members are Benchers shall be eligible to hold any office in the gift of the Society, but this shall not apply to any person now holding any office during the currency of the term for which he holds his present appointment.

47. No officer or his representatives shall, on his ceasing by death, resignation, retirement, or otherwise to be in the service of the Society, have any claim whatever to any gratuity or retiring or superannuation allowance out of the funds of the Society.

#### SALARIES OF OFFICERS.

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

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

50. During the incumbency of the present Reporter for the Court of Appeal, his salary shall be one thousand dollars per annum, and the salary of the Assistant Reporter for the Court of Appeal shall be twelve hundred dollars per annum.

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

52. 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.

53. The salary of the Secretary shall be fifteen hundred dollars per annum, payable monthly, for all his duties in every capacity, in addition to which he shall be furnished with such rooms in the Society's building (where he must reside), and with such fuel, water and light, as the Finance Committee may from time to time determine. In lieu of such rooms and allowances, Convocation may allow to the Secretary the sum of three hundred dollars per annum, payable monthly.

54. The salary of the Librarian shall be eighteen hundred dollars per annum; the salary of the Assistant Librarian shall be one thousand dollars per annum.

55. The salary of the Principal of the Law School shall be five thousand dollars per annum.

56. The salary of each of the Lecturers in the Law School shall be fifteen hundred dollars per annum.

57. The salary of the Senior Examiner shall be three hundred dollars per annum, and of each of the other Examiners two hundred and fifty dollars per annum.

58. In case of the removal of any officer of the Society, his salary shall cease immediately upon his removal.

#### THE SECRETARY.

59. In addition to the duties of the Secretary under 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* 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, or who received a Certificate of Fitness.
  - (d) The names of all members admitted into the Society as Students-at-Law, with the date, class, and order of their admissions.
  - (e) The Rules of the Society respecting the admission of Students-at-Law and the Examinations for Call to the Bar, and for Certificates of Fitness, and specifying the subjects and books from time to time prescribed for such Examinations respectively.
  - (f) A *resumé* of the business of Convocation during Term, under the superintendence of the Journals and Printing Committee.
- (3) He shall forthwith, after each Examination, post in a conspicuous place in the Hall, a list, shewing the names of successful Candidates.

(4) He shall, between the first and tenth days of March preceding the day of election of Benchers, send by mail the form of voting paper for the election of Benchers required by the Statute to each member of the Bar entitled to receive such voting paper.

60. The Secretary, under the direction of the Finance Committee, shall have the general charge of the Society's grounds and buildings.

61. 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, and the Society shall pay one-half the premium therefor.

62. No 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.

#### FINANCE.

63. The Finance Committee shall be charged with the management of the Finances of the Society, and all matters relating to its resources and expenditure, and may appro-

prate 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.

64. 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 Convocation, and to the provisions of Rules 71-75.

65. 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 its branch 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.

66. (1) The Secretary 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.

(2) Such statement of account shall show all deposits made in the Bank of the Society to the credit of the Society; and all cheques drawn upon such bank, and shall also show all disbursements made, and be accompanied with vouchers.

(3) Such accounts shall be audited monthly by a professional auditor annually appointed for that purpose on the first day of Easter Term in each year.

67. The Bank of Hamilton or other Bank duly authorized by the Finance Committee shall be the Bank of deposit and account for the "Law Society of Upper Canada," and the Secretary 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 Secretary making such deposit.

68. The moneys of the Society, deposited in the said Bank, when required for the payment of salaries, con-

tingencies 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, shall be drawn and paid out upon a cheque signed by the Treasurer or by any other member of the Finance Committee who may be named by that Committee, and whose name and signature shall be furnished to the Bank by the Treasurer and Secretary, and such cheques shall always be countersigned by the Secretary.

69. A cash book shall be kept 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.

70. The annual statement of receipts and expenditure shall be printed, and a copy of such statement shall be sent by mail to every practitioner who has taken out his certificates, with the number of the current Reports published next after the preparation of such statement.

#### THE LIBRARY.

71. It shall be the duty of the Library Committee to assume the general supervision and management of the Library, its annexes, the Benchers' robing room, and the consultation rooms.

72. The Librarian shall have the immediate and general charge of the Library, under the superintendence of the Library Committee.

73. The Librarian shall keep an account of all petty Library expenditures made by him out of such sums as the Library Committee may authorize to be advanced to him for that purpose.

74. Purchases of books shall be made upon recommendations presented by or through the Librarian only by formal authority of the Library Committee, save in cases of apparent necessity, when the Librarian may with the authority of two members of the Committee, give orders for such purchases. For these purposes, the Committee may expend annually such sum as may be included in the estimates approved by Convocation.

75. The Library Committee shall have power to make regulations not inconsistent with these Rules, with respect to all matters relating to the management of the Library, which regulations shall be reported to Convocation at its first meeting after the making thereof.\*

76. 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 Finance Committee.

#### COUNTY LIBRARIES.

77. 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) All correspondence on the subject shall stand referred to the "County Libraries Committee," and such Committee shall have power to carry out the provisions of Rules 79 to 82, subject to the directions of Convocation, the Finance Committee retaining its control over expenditure.

(2) The Practitioners in any county or union of counties may form a Library Association, and incorporate the same, by the name of "The (name of county town, 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) 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.

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\* The regulations set out at p. 74 (Appendix T.) were, pursuant to Rule 75, reported to Convocation by the Library Committee on the 21st May, 1894.

- (c) 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 references, of the Judges, and of all members of the Profession residing out of the county and not having offices within the county.
- (d) 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 such county town or town.
- (e) At least one-half of such 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 books for the Library, and in payment for telephone service and of a salary of a Librarian or Caretaker to be approved of by the County Libraries Committee.
- (f) 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 County Libraries Committee.

(4) The Association shall transmit to the Law Society proof of its Incorporation, and a copy of its declaration of Incorporation 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 for its Library, with such other particulars as may be required by the County Libraries Committee.

78. Upon the County Libraries Committee being satisfied that the required conditions have been complied with, it may make a report thereon to Convocation, to be dealt with as the state of the finances may permit, and as Convocation shall see fit.

79. The grant in aid from the Society shall be for the initiatory or first grant an amount double the amount of the contributions 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.

80. In addition to the grant provided for by Rule 79, Convocation may authorize the payment of a proportion (not exceeding two-thirds) of the cost of telephone service and of the salary of the Librarian of any Library Association which is reported on satisfactorily by the Inspector of County Libraries; provided that in no case shall such payment exceed \$200 per annum.

81. All annual grants shall be payable upon the report of the County Libraries Committee to the Finance Committee 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 complied in all other respects 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.

82. If the default referred to in Rule 81 shall consist merely in delay in supplying the requisite reports and information, the annual grant may be paid, within three months after the receipt of such reports and information, if so ordered by the County Libraries and Finance Committees.

83. Whenever any Library Association, which has been established for two years and has regularly made the required return, and complied with the requirements of the rules, shall make it appear to the satisfaction of Convoca-

tion 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 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.

84. 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 each Library is maintained, and such other matters as shall be required by the County Libraries Committee or by Convocation. The Inspector shall be paid such sum, as Convocation shall fix, for each annual report.

85. 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 shall be allowed to use the same on similar conditions to those in force from time to time in regard to similar books in the Phillips Stewart Library at Osgoode Hall.

86. The County Libraries Committee shall have power, subject to the direction of Convocation, to carry out the provisions of Rules 87 to 97, inclusive, for the encouragement of Legal studies, and to that Committee all correspondence on the subject shall stand referred, the Finance Committee retaining its control over expenditure.

87. The members of the Law Society in any locality 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.

88. Among the objects of the Society shall be the extension of legal knowledge by the delivery of lectures to students and examinations thereon, and by the preparation and reading of essays and by arguments on legal questions.

89. The Society 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 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 County Libraries Committee may, from time to time, direct; and the Society may thereon apply to be recognized by the Law Society as a Society within the meaning of this Rule.

90. 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 Society be recognized.

91. Any recognized Society 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.

92. 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.

93. The County Libraries 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 prizes may be given to the value of \$50 in each class.

94. The Osgoode Legal and Literary Society shall be deemed to be a recognized Society within the meaning of this rule.

95. The County Libraries Committee may require further information, or further evidence on any point connected with the proceedings of any such Society.

96. The County Libraries 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.

97. The County Libraries Committee shall report to Convocation on the first day of meeting in Hilary Term in each year on the operations of the previous year.

#### REPORTING AND DISTRIBUTION OF REPORTS.

98. The Reporting Committee shall see that the duties of the Reporters are discharged, and that the Reports are published in accordance with the Statutes and the Rules of the Law Society relating thereto, and shall report any default to Convocation.

99. The Secretary shall subscribe for eight copies of the Reports of the Supreme Court of Canada for the Osgoode Hall Library.

100. 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 and the Judge of the Court of Exchequer.

(2) Each of the Judges of the Supreme Court of Judicature for Ontario and any retired Judge.

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

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

(5) The Master in Chambers of the Supreme Court.

(6) The Master in Ordinary of the Supreme Court, the Clerk of the Crown and Pleas, and the Registrars of the High Court of Justice and the additional Official Referee of the High Court of Justice specially appointed under 58 Vict. (Ont.) ch. 12, sec. 152, sub-sec. 2.

(7) The Master of Titles.

(8) The Principal of the Law School.

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

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

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

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

101. Upon paying fifteen dollars to the Secretary during Michaelmas Term, of any year, any Barrister-at-Law not in arrears in the payment of his Bar Fees and not otherwise entitled, or any Student 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.

102. The Supreme Court Reports shall be furnished to all Solicitors who issue their annual certificates for the current year during Michaelmas Term.

103. 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 shall also make such arrangements with the Judges and officers of the Courts that a report of all

important decisions may be secured, and he shall oversee the whole work of reporting, so as to secure its efficient and prompt execution.

104. The Reporters shall, under the direction of the Editor, attend the Courts personally, and shall prepare a report of each important case, including the arguments of counsel, the authorities cited, and the judgment (whether oral or written), and shall furnish the same without delay to the Editor.

105. The Reporters shall, under the direction of the Editor, deliver the reports in fair legible manuscript to the printers, read and correct the proof, and see them through the press with despatch.

106. The Reporters shall 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.

107. 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.

108. (1) In case of the unavoidable absence of any of the Reporters, from illness or any other sudden or necessary cause, during any of the sittings of the Courts, it shall be competent for the Reporter so absent, with the assent of the Treasurer, to appoint a Barrister-at-Law to report the judgments to be reported by such Reporter.

(2) The Reporter so appointing a substitute shall be responsible for the due discharge of his duties by his nominee.

109. The Benchers in Convocation may grant leave of absence to any Reporter for such periods, and under such restrictions and conditions for ensuring the due performance of the duties of the office during such absence, as to the Benchers may seem expedient.

110. 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."

111. 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 that 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.

112. (1) The Reporters of the Court of Appeal and of the High Court of Justice shall report Election decisions under the direction of the Editor.

(2) This work shall be distributed among the Reporters, as they may arrange between themselves or as may be prescribed by the Editor before the trials.

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

114. The Practice Reporter shall prepare reports of all decisions on questions of practice on Election cases pronounced elsewhere than at trials.

115. 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.

116. The Editor and Reporters shall 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.

117. 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 the 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 for the copy of any such Judgment which it has been determined ought to be published after the expiration of two months from the delivery thereof, and if not previously published, such copy shall be then furnished *gratis* by such Reporter to the party demanding the same.

#### DISCIPLINE.

118. 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, R. S. O. ch. 145, secs. 44 to 47, 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 Solicitor deprived of his certificate, unless so decided at a meeting of Convocation at which not less than fifteen members are present by the votes of at least two-thirds of those present.

119. 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.

120. It shall be competent for Convocation to refer any such complaint to the Discipline Committee to consider and report whether a *prima facie* case has been shewn.

121. Upon any order being made by the Court of Appeal for Ontario or 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, and 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 the Society, or elsewhere, as a member thereof, and such suspension shall continue until such person be restored to the Rolls as a Solicitor.

122. Such suspension shall in no respect be deemed an affirmation on the part of the 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 attaching to such decision

123. 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 disbaring and expelling such person from the Society, on the same grounds upon which either of such Courts may have proceeded to remove him from their Rolls, or any other that may render such proceeding necessary or proper in that behalf.

124. The Treasurer shall on receipt of any such order from the proper officer of either of the said Courts, lay the same before 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.

125. The Secretary shall, after the entry upon the Journals of Convocation of the order of either 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.

126. Upon the Treasurer being informed of any order having been made by the said Courts, for the restoration of such person to the Rolls, it shall be his duty to procure an office copy of such order so restoring such person to the Rolls and to lay the same before Convocation at its next meeting, and the same shall thereupon be entered at length upon the Journals of Convocation.

127. 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.

#### ADMISSION TO THE SOCIETY.

128. There shall be two classes of students—(a) the Graduate Class, comprising students entitled to be admitted under Rules 135 and 136; (b) the Matriculant Class, comprising all other students entitled to be admitted under these Rules.

129. The Legal Education Committee shall superintend the admission of Candidates as Students-at-Law, and shall report to Convocation during term, upon admissions, in the manner hereinafter provided with regard to examinations.

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

131. Students-at-Law shall be admitted during Easter and Trinity Terms only, unless otherwise ordered by Convocation.

132. No person shall be admitted as a Student-at-Law, who is not of the full age of sixteen years.

133. Notice of the intention of any person to apply for admission as a Student-at-Law signed by a Bencher, and

containing the name, addition and family residence of the Candidate, shall be delivered to the Secretary of the Society at his office in Osgoode Hall, on or before the fourth Monday preceding the Term in which he seeks admission. (Appendix B.)

134. The Secretary shall, as soon as the time for receiving notices has expired, make out two lists containing the names, additions and family residences of all the Candidates, for whose admission notices of presentation have been regularly given, and shall post up one of such lists in a conspicuous place in his office, and the other in the Law School.

135. A graduate in the Faculty of Arts or Law, 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 without further examination by the Society, upon giving the said notice, and paying the prescribed fees, and presenting his diploma or a proper certificate of his having received his degree.

136. A cadet of the Royal Military College, Kingston, who has received his diploma of graduation shall be entitled to be admitted on the books of the Society as a Student-at-Law, on and subject to the same terms and conditions as a graduate in the Faculty of Arts is or shall for the time being be entitled to admission thereon.

137. 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 by Convocation for the time being, shall be entitled to admission as a Student-at-Law, without further examination by the Society, on giving the said notice and paying the prescribed fee.

138. A Candidate who shall present a certificate showing that he has taken part two of the examination for Matriculation under the Departmental regulations of the Department of Education as contained in circular No. 4, issued in June, 1895, by the Department of Education within four years of the time of taking part one, and within two years of his application, shall be entitled to admission as a Student-at-Law without further examina-

tion by the Society, on giving the said notice, and paying the prescribed fee.

139. A Candidate, who shall present a certificate of having passed within four years of his application the Junior Matriculation examination held by the Department of Education, shall be entitled to admission as a Student-at-Law without further examination by the Society, on giving the said notice, and paying the prescribed fee.

140. A cadet of the Royal Military College, Kingston, who produces satisfactory proof of his having passed, within four years of his application, the entrance examination, including the voluntary or further examination prescribed as part of, or in addition to, such entrance examination, and of having attended the first year's course at the College and passed the examination prescribed at the termination of the year, may be admitted as a Student-at-Law of the matriculant class without further examination, on giving the usual notice and paying the prescribed fee. Provided this Rule shall only continue in force while the authorities of the College maintain the curriculum of subjects for entrance and first-year work, in force October, 1891.

141. The notice required by the preceding Rules may be given within three months prior to the taking of his degree by a graduate, or to the passing of his examination by a candidate who is not a graduate seeking admission under the foregoing Rules.

142. Any candidate who has given the said notice, and 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, or of having passed the necessary examination entitling him to admission to the matriculant class as the case may be, 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.

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

144. Personal attendance of any applicant for admission as a Student shall not be required.

145. The candidate shall be presented by a writing signed by some member of the Society of the degree of Barrister-at-Law, in a form approved by Convocation. (Appendix C.)

146. Every candidate for admission shall, some convenient time previous to the Term in which he seeks admission, deposit with the Secretary at Osgoode Hall, his presentation and the amount of fees payable on admission together with his petition for admission, which presentation and petition respectively shall be in the terms and shall contain the information required by the forms C and D contained in the Appendix.

147. The first day of Term shall be taken to be the admission day of Students-at-Law who have been reported as admitted by the Committee during such Term, although the report may not have been presented to Convocation upon the first day of the Term.

#### SERVICE OF STUDENTS-AT-LAW.

148. Except in special cases provided for by any Statute, Students-at-Law who are not Articled Clerks shall actually and *bonâ fide* attend in a Barrister's chambers for the same respective periods as Articled Clerks are required to serve under articles; but this Rule shall not apply to any such Student who was admitted prior to Hilary Term 1889.

149. The term of attendance or of service under articles shall be effectual only from the date of admission on the Books of the Society.

150. No person attending in the chambers of a Barrister in pursuance of Rule 148, shall, during his term of attendance, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of student in attendance, and no person bound by articles of clerkship to any Solicitor, shall, during the term of service mentioned in such articles, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his partner or partners (if any), and his Toronto agent, with the consent of such Solicitors, in the business, practice or employment of a Solicitor.

## THE LAW SCHOOL.

151. The Legal Education Committee shall have power to make regulations, not inconsistent with these Rules, with respect to all matters relating to the proper working of the Law School, and the carrying out of all matters incidental to the Rules relating thereto, which regulations shall be reported to Convocation at its first meeting after the making thereof.

152. The Law School is continued upon the basis established by these rules.

153. The staff of the Law School shall consist of (a) a Principal, who shall be a Barrister of not less than ten years' standing; (b) Four Lecturers; (c) Four Examiners.

154. No person, while holding the office of Lecturer, shall be appointed or act as Examiner.

155. The Principal shall, in addition to the duty of lecturing and the discharge of such other duties as may be assigned to him by Convocation, have supervision and general direction of the School; and shall engage in no professional work other than that of consulting counsel; nor shall he be a member of any firm of practising Barristers or Solicitors; and he shall reside in or near Toronto.

156. Subject to the approval of the Legal Education Committee, the Principal shall arrange the subjects and books for lectures, the branches to be treated upon by each Lecturer, and the days and hours for lectures and discussions in the School during the School Term.

157. The duties of Lecturers shall be to deliver *vivâ voce* lectures, to superintend classes, prepare questions for classes, and to perform such other duties as may be assigned to them by the Principal under his superintendence.

158. The duties of the Examiners shall be to prepare all questions for, and to conduct and report to the Legal Education Committee upon all examinations whether written or oral, and to perform such other duties as may be assigned to them by Convocation or the Legal Education Committee.

159. The Examiner who is senior in date of call to the Bar shall be the Senior Examiner ; and he shall, in addition to his other duties, be responsible for the conduct of and the discipline to be observed at the examinations, and the returns and reports thereof to the Secretary, as directed by the Legal Education Committee.

160. The course in the School shall be a three years course and shall consist of lectures, discussions and examinations.

161. The School Term shall commence on the fourth Monday in September, and shall close on the last Monday in April ; with a vacation commencing on the Saturday before Christmas, and ending on the Saturday after New Year's day, and a vacation at Easter commencing on the Thursday before Good Friday, and concluding at the end of the ensuing week.

162. A Student must complete the course of study of the first year, and pass the examination thereon at the close of the School Term, before he enters on the second year ; and must complete the course of study of the second year, and pass the examination thereon at the close of the School Term, before he enters on the third year.

163. Subject to the provisions of the eight next succeeding rules, the attendance in the School shall be compulsory, as follows: All Students-at-Law shall, during the last two years of their attendance in chambers or service under articles, attend the School Terms in the second and third years of the School Course respectively. Students-at-Law who, during the last three years of their attendance or service, are in attendance or under service in Toronto during three School Terms, must attend in the School during such Terms, the School years being taken in consecutive order of first, second and third years. In the case of graduates, the last three years of attendance or service shall mean the whole three years of attendance or service.

164. Any Student-at-Law, not being a graduate, may attend the lectures of the first year of the School Course, either in the first, second or third year of his attendance in chambers or service under articles, and may present himself for the examination of the first year of the School

Course, at the School examinations which shall be held at the close of the term in which he shall so have attended such lectures.

165. Any Student-at-Law, not being a graduate, and not being required to attend the lectures of the first year of the School Course, may present himself for the examination of the first year of the said course, at the School examinations, which shall be held at the close of the term in the first, second or third year of his attendance in chambers or service under articles.

166. Any Student-at-Law, not being a graduate, may attend the lectures of the second year of the School Course, in the second, third or fourth year of his attendance in chambers or service under articles, and may present himself for the examination of the second year of the said course, at the School examinations, which shall be held at the close of the term in which he shall so have attended such lectures: provided that no Student shall, by virtue of this rule, be permitted to commence his attendance upon the lectures of the second year of the said course, until after he shall have duly passed the examination of the first year of the said course.

167. Any Student-at-Law, not being a graduate, who shall have duly passed the examination of the first year of the School Course before the commencement of the School Term, which shall be held in the second year of his attendance in chambers or service under articles, may elect to attend either during such term, or during the next succeeding term, the lectures on such of the subjects of the second year of the School Course as he may name: provided the number of such lectures shall, in the opinion of the Principal, reasonably approximate one-half of the whole number of lectures pertaining to the said second year of such course, and may complete his attendance upon the lectures of such second year in the following term, by attending the lectures on the remaining subjects of such second year.

168. Any Student-at-Law, not being a graduate, who shall have duly passed the examination of the first year of the School Course before the commencement of the School Term, which shall be held in the third

year of his attendance in chambers or service under articles, may elect to attend in such term the lectures on such of the subjects of the second year of such course as may, in the opinion of the Principal, reasonably approximate one-half of the whole number of lectures pertaining to the said second year, and may complete his attendance on the lectures of said second year in the following term by attending the lectures on the remaining subjects of such second year.

169. Any Student-at-Law, not being a graduate, who shall have duly passed the examination of the second year of the School Course before the commencement of the School Term, which shall be held in the fourth year of his attendance in chambers or service under articles, may elect to attend during such Term the lectures on such of the subjects of the third year of the said course as he may name: provided the number of such lectures shall, in the opinion of the Principal, reasonably approximate one-half of the whole number of lectures pertaining to the said third year of such course, and shall complete his attendance on the lectures of the said third year in the following Term by attending the lectures on the remaining subjects of the said third year.

170. Every Student-at-Law entitled and desiring to make any such election as aforesaid, shall, before commencing his attendance on the lectures which he so elects to attend, deliver to the Principal his written election, specifying the subjects of the lectures which he so elects to attend, and obtain the Principal's approval of the same; and must also, before commencing such attendance, pay to the Secretary the School fee for the Term; and such Student, having paid such fee, and having had his attendance duly allowed in respect of the lectures which he shall so have elected to attend according to existing rules, shall not be required to pay any further fee for or in respect of his attendance on the remainder of the lectures pertaining to the same year of the School Course.

171. Nothing in the preceding rules shall be deemed to permit any Student to present himself at the examination of the second or third year of the School Course, before he shall have duly completed his attendance upon the lectures of the said second or third year, as the case may be.

172. Where any University of the Province has established a Law Faculty, and provided for a course of instruction and lectures thereat, similar to those adopted at the Law School, and to the satisfaction of Convocation, the attendance of a Student-at-Law upon such course of instruction and lectures, shall be accepted in lieu of the like attendance upon the first year of the School Course.

173. The School Term, if duly attended by a Student-at-Law, shall be allowed as part of the term of attendance in chambers or service under articles.

174. All Students-at-Law shall be subject to these Rules.

175. Any Student-at-Law, or Clerk, who has made application for admission to the Society, may attend any Term in the School, upon payment of the prescribed fees.

#### EXAMINATIONS.

176. Examinations shall be held during the two weeks which commence on the first Monday in May, and during the week which commences on the first Monday in September, or at such other times as shall be prescribed by the Legal Education Committee. Such examinations shall include the work of the School during the preceding School Term, and such other subjects as may be prescribed.\*

177. Students whose attendance at lectures has been allowed as sufficient, and who have failed at the May Examinations, or who have been prevented by illness or other good cause from writing thereat, may present themselves at the September Examinations, at their own option either in all the subjects, or in those subjects only in which they failed to obtain fifty-five per cent. of the marks obtainable in such subjects.

178. Students desiring to present themselves at the September Examinations shall give notice in writing to the Secretary of the Law Society at least two weeks prior to the time fixed for such examinations, of their intention to present themselves, stating whether they intend to present themselves for examination in all the subjects, or in

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\* The Legal Education Committee has prescribed the week which commences on the third Monday in September for Supplemental Examinations.

those only in which they failed to obtain fifty-five per cent. of the marks obtainable, specifying such subjects.

179. Students who have failed to pass the prescribed Examination at the conclusion of any year of their Course shall again attend the lectures of such year.

180. The examinations which include the work of the first and second years of the School Course, respectively, shall be the first and second intermediate examinations, respectively. The examination which includes the work of the third year of the School Course shall be the examination for Call to the Bar and Admission as Solicitor, and such examination shall include the work of the course, and such other subjects as may be prescribed.

181. The Legal Education Committee shall superintend all examinations.

182. The Secretary shall, with respect to Candidates for Call, make a report to the Legal Education Committee stating :—

- (a) That notice of presentation has been properly given for the Candidate,
- (b) The date of admission of the Candidate,
- (c) Whether the Candidate was admitted as a graduate or matriculant, and
- (d) That the intermediate examinations have been passed by the Candidate, giving the dates thereof.

183. The Legal Education Committee shall, on the first day of meeting in the Term next after any examination, report to Convocation the result of such examination, specifying the names of those who have passed and those who have been rejected, and the order in which those passed have been classed ; and such report shall be final.

184. Every Student-at-Law who has passed any examination, shall be entitled to receive a certificate from the Secretary to that effect on payment of the fee therefor.

185. 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 provisions requiring examination by the Society.

## CALL TO THE BAR AND ADMISSION OF SOLICITORS.

186. No Student-at-Law 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.

187. Every cadet of the Royal Military College at Kingston who has received his diploma of graduation shall be entitled to be called to the Bar, and to be admitted and enrolled as a Solicitor, after the like period of service, and on and subject to the like terms and conditions as are, or shall for the time being, be applicable to a graduate in a Faculty of Arts or Law.

188. The provisions of the preceding Rules shall apply retrospectively so as to entitle any such cadet who has heretofore been admitted on the Books of the Society, and has not yet been called to the Bar, or admitted and enrolled as a Solicitor, to apply to be so called or admitted and enrolled after the like period of service as is required in the case of graduates in a Faculty of Arts or Law.

189. Every Candidate for Call to the Bar, shall cause a written notice in the form approved by the Society, signed by a Bencher, of his intention to present himself for Call, to be given to the Secretary at his office in Osgoode Hall on or before the fourth Monday preceding the Term in which he intends so to present himself. (Appendix M.)

190. The Secretary shall, as soon as the time for receiving notices has expired, 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 the Law School.

191. Every Candidate for Call to the Bar shall be presented to Convocation by an instrument in writing, signed by a Barrister of Ontario (Appendix N), and 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 Secretary, with a condition in the terms and to the effect of form O, and with a certificate in the form P, contained in the Appendix.

192. Every Candidate shall, on or before the third Saturday preceding the Term in which he desires to be called, deposit with the Secretary his bond, presentation, and also 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, (Appendix Q); and shall also, at the same time and place, deposit the amount of fees payable on being called.

193. The Secretary's receipt for such fees shall be sufficient to entitle the Candidate to appear before the Examiners, and to be by them examined for Call, although the period of standing on the books entitling such Candidate to present himself shall not expire until a date during the ensuing Term.

194. Every Candidate for Call to the Bar, who has not served under articles, shall, with his petition for Call, leave with the Secretary of the Society at Osgoode Hall, answers to the several questions set forth in Appendix H, and also answers to the questions, and the certificate set forth Appendix J, signed by the Barrister in whose chambers such Candidate has attended in pursuance of these Rules.

195. No Candidate for Call who shall have omitted to leave his petition and all his papers and fees with the Secretary, on or before the third Saturday preceding the Term, as by the Rules required, shall be called; except after report upon a petition by him presented, praying relief on special grounds, subject however to the next succeeding Rule.

196. In case any such Candidate, at the time of leaving his petition and papers with the Secretary of the Society, as hereinbefore provided, proves to the satisfac-

tion of the said Secretary that it has not been in his power to procure the answers to the questions contained in the said Appendix J from the Barrister in whose chambers he has attended during any part of the time, or the certificate therein also contained, the said Secretary shall state such circumstances specially in his report to the Legal Education Committee on such Candidate's petition.

197. 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 Convocation, at the time of his examination being passed, otherwise order.

198. Every Candidate who petitions 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.

199. Every Candidate, upon his being called to the Bar, shall appear before Convocation in the apparel 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 Bencher present in Court.

200. The diploma of Barrister-at-Law of the Society, shall be in the form R in the Appendix.

201. All applications for Certificates of Fitness for Admission as a Solicitor shall be by petition (Appendix S), addressed to the Benchers of the Society in Convocation, and every such petition, together with the documents required by the Act, and the fees payable to this Society thereunder, 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 petition is to be presented, and the Secretary's receipt for such fees shall be sufficient authority to the Examiners to examine the applicant, although the term of service of such applicant shall not expire until a date during the ensuing Term.

202. Every Candidate for a Certificate of Fitness as a Solicitor, who has served under articles shall, with his

petition for Certificate, leave with the Secretary of the Society at Osgoode Hall answers to the several questions set forth in Appendix K, and also answers to the questions and the Certificate set forth in Appendix L, signed by the Solicitor with whom such Candidate has served his clerkship.

203. No Candidate for Certificate of Fitness who shall have omitted to leave his petition and all his papers and fees with the Secretary, on or before the third Saturday preceding the Term, as by the Rules required, shall be admitted; except after report upon a petition by him presented, praying relief on special grounds, subject, however, to the next succeeding rule.

204. 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 Secretary, that it has not been in his power to procure the answers to the questions contained in Appendix L, or the Certificate of Service therein also contained, from the Solicitor with whom he may have served any part of the time under his articles, or from his agent, the said Secretary shall state such circumstances specially in his report to the Legal Education Committee on such Candidate's petition.

205. The Secretary shall report to the Legal Education Committee upon the petition of every Candidate for Certificate of Fitness; he shall also make a supplementary report upon the articles of Clerkship of applicants for Certificates of Fitness and Call, whose term of service expires during Term.

206. In the computation of time entitling Students to pass examinations to be called to the Bar or receive Certificates of Fitness, examinations 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.

207. Applicants for Certificates of Fitness of the class contemplated by section 4 of chapter 147, of the Revised Statutes of Ontario, shall be examined on the statute laws of the Province of Ontario, including the Judicature Act, and the Consolidated Rules of Practice, 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.

#### HONOURS, SCHOLARSHIPS AND MEDALS.

208. Honours and Scholarships in connection with intermediate examinations shall be awarded only in connection with the Law School Examinations held at the close of the School Term.

209. 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 for a further examination for Honours and Scholarships on the same subjects, embracing the same number of questions, with the same aggregate value of marks obtainable in each subject.

210. For each of the Honour and Scholarship examinations, a paper of questions shall be prepared by each of the 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 Candidates for the Honours or Scholarships to be awarded.

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

212. Those only who are Students-at-Law in their regular years are to be entitled to be passed with Honours, unless in any particular case Convocation shall see fit to award them.

213. The first day of the Term on which a Candidate for Honours was admitted on the books of the Society, and

not the date of his articles, shall be the time from which the commencement of his year or course of study shall be reckoned, for the purpose of the examination for Honours.

214. Of the Candidates passed with Honours at each intermediate examination, the first shall be entitled to a scholarship of \$100, the second to a scholarship of \$60, and the next five to a scholarship of \$40 each; and each scholar shall receive a diploma certifying to the fact.

215. The Candidates 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 for a further examination for Honours in the same subjects, embracing the same number of questions, with the same aggregate value of marks obtainable in each subject.

216. The Candidates obtaining at least three-fourths of the aggregate number of marks obtainable on the papers in both the Pass and the Honour examinations for Call, and at least one-half of the aggregate marks obtainable on the papers in each subject in both examinations, shall be called with Honours, and the diploma of each candidate so called shall certify to his Call with Honours.

217. Of the Candidates called with Honours, the first three shall be entitled to Medals, on the following conditions:—

*The First*: if he has passed both intermediate examinations with Honours, to a Gold Medal, otherwise to a Silver Medal:

*The Second*: if he has passed both intermediate examinations with Honours, to a Silver Medal, otherwise to a Bronze Medal.

*The Third*: if he has passed both intermediate examinations with Honours, to a Bronze Medal.

218. The diploma of each medallist shall certify to his being such medallist.

## CALL OF BARRISTERS IN SPECIAL CASES.

219. 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 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 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.

(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.

220. 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 219 ; 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 sub-sections 2 and 3 of Rule 218, 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 the examination hereinafter prescribed.

(5) In case any adverse application has been made in either of the cases provided for by sub-sections 2 and 3 of this rule, the applicant shall set forth the facts and circumstances and shew the result.

221. An Attorney or Solicitor on the Rolls of any of the Courts mentioned in the said sub-section 1 of Rule 219 shall be examined with the ordinary Candidates for Call in the subjects prescribed for the examination, which includes the work of the third year of the Law School Course.

222. A Barrister, as mentioned in sub-sections 2 and 3 of Rule 219, shall pass such examination as may be prescribed at the time of his application. (See 57 Vict. (Ont.) ch. 44.)

#### ADMISSION OF SOLICITORS IN SPECIAL CASES.

223. 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.

224. Every such person, before being admitted to practice as a Solicitor, shall, after complying with the provisions of Revised Statutes of Ontario, chapter 147, section 8, furnish proof :—

(1) A Barrister, as mentioned in sub-section 1 of Rule 223, 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 three years.

(2) An Attorney, Solicitor, or Writer as mentioned in sub-section 2 of Rule 223, 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 Certificates 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*.

225. Any person applying for a certificate of qualification to be admitted as a Solicitor under the provisions of the Act 54 Vict. Cap. 25, shall furnish proof:—

(a) That notice of his intention to apply for such certificate, signed by a Benchet, was given to the Secretary at least two months preceding the first day of the Term in which he intends to apply for such certificate.

(b) That notice of intention, as aforesaid, was also published once a week for at least two months preceding the first day of such Term, in some newspaper in the county town of the county in which such person resides.

(c) That he was duly called to the Bar prior to the first day of January, 1891, and has been in actual practice; and that he still remains a member of the Bar in good standing, and that since his Call no adverse application to disbar him or otherwise to disqualify him from practice as a Barrister has been sustained, and that no charge is pending against him for professional or other misconduct.

(d) That he has passed the usual examination prescribed for admission to practise as a Solicitor.

(e) That he has paid the fees payable by Candidates for admission to practise as a Solicitor.

(f) The notice mentioned in sub-sections (a) and (b) shall be in the following form, namely:

“LAW SOCIETY OF UPPER CANADA.”

“Mr. (some Bencher), gives notice that Mr. A. B. who has been called by the Law Society to the degree of Barrister-at-Law prior to the first day of January, 1891, will, next Term, apply to the Law Society for a certificate under the corporate seal of the Society of his fitness and capacity, and that he is in all respects duly qualified to be admitted as a Solicitor.”

“As of Term, 189 .”

(g) The Secretary shall make two lists, containing the names, additions and residences of the persons intending to apply as aforesaid, and affix one of such lists in a conspicuous place in his office, and the other in the Law School.

(h) The certificate to be granted shall be in the following form :

“These are to certify that Mr. A. B., who has been called by the Law Society to the degree of Barrister-at-Law prior to the first day of January, 1891, having now satisfied the Society of his fitness and capacity, and that he is in all respects duly qualified to be admitted as a Solicitor may be admitted and enrolled as a Solicitor in accordance with the provisions of the statutes in that behalf. (See 57 Vict. (Ont.) ch. 44.)

RULES FOR THE ADMISSION OF WOMEN TO PRACTISE AS SOLICITORS.

226. Any woman who is a graduate in the Faculty of Arts in any university in Her Majesty's dominions empowered to grant such degrees, and any woman being competent as a student within the requirements of Rules 137, 138 and 139, shall, upon compliance with the following Rules, be entitled to admission to practise as a Solicitor pursuant to the provisions of the statute 55 Vict. cap. 32.

(1) Every such woman shall

(a) Have been entered upon the books of the Society in the same manner and upon the same conditions as to giving notice, payment of fees, and otherwise, as are provided for admission of Students-at-Law of the graduate and matriculant class respectively ;

- (b) Have been bound by contract in writing to serve as a clerk to a practising Solicitor for a period of three or five years from the date of her entry upon the books of the Society, according as she shall have been entered on the books as a graduate or matriculant ;
- (c) Have actually served under such contract for such period of three or five years, as the case may be ;
- (d) Have complied with the conditions of the statutes and the Rules of the Society with regard to execution and filing of such contract and any assignment thereof, and with every other requirement of the Society with regard to Students-at-Law, including attendance upon lectures in the Law School, passing of examinations, payment of fees, and every other matter or thing, compliance with which by a Student-at-Law is a prerequisite to admission to practise as a Solicitor.

(2) The fees payable by such woman upon receiving a Certificate of Fitness to practise shall be the same as those payable by other Students-at-Law.

(3) Upon admission to practice, such woman shall become subject to all the provisions of the statutes and the Rules of the Society with regard to solicitors, and noncompliance with or failure to observe the same or any of them shall subject her to all the disabilities and penalties imposed upon other Solicitors.

(4) The Society may from time to time repeal, alter, vary, or amend the foregoing Rules or any of them.

#### ANNUAL FEES AND CERTIFICATE.

227. Every member of the Society shall, after his Call to the Bar, pay to the Society, through its Secretary, a Term Fee of \$2 per annum, payable during Michaelmas Term in each year.

228. In case any Solicitor of the Supreme Court 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 Secretary of this Society, the sum of fifteen dollars, together with all such other fees and dues, if any,

as by the said Statute are required to be paid by him on obtaining such an Annual Certificate, such Solicitor shall be thereupon entitled to such certificate for the year commencing with the first day of such Michaelmas Term; and such certificate shall be thereupon issued to him by the Secretary of the Society, as provided by the said Statute.

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 227.

229. 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.

230. 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, the further sum of six dollars; if not taken out before the first day of Easter Term, the further sum of nine dollars; and if not before the first day of Trinity Term, the further sum of twelve dollars.

231. 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.

232. The following fees shall be payable to the Society in respect of the matters hereafter set out:

With notice for admission as a Student-at-Law ..	\$ 1 00
On presentation for admission as a Student-at-Law	50 00
With notice for call to the degree of Barrister-at-Law .....	1 00
On examination for call to the Bar .....	100 00
Additional fee in special cases under Rule 219, in addition to fee for admission as a Student-at-Law .....	200 00
On examination for admission as a Solicitor .....	60 00
Additional fee in special cases under Rule 223, in addition to fee for admission as a Student-at-Law .....	200 00
On every petition to Convocation for special relief.	2 00

Fee for each Term of the Course in the Law School attended, in advance .....	\$25 00
For certificate of admission as a Student-at-Law or an Articled Clerk .....	1 00
For Barrister's diploma .....	2 00
For every other Certificate.....	1 00
With every other notice.....	1 00
Barrister's annual Term or Bar fee.....	2 00
Solicitor's annual Certificate .....	15 00

See also 57 Vict. (Ont.), c. 44.

223. In case any Candidate for Call to the Bar, or for a Certificate of Fitness as a Solicitor, fails to pass the necessary examination, or is rejected on any other ground, the fee deposited by him according to the Statute or the Rules of the Society, shall be returned to him by the Secretary, less \$10.

The following Rules were passed by the Benchers in Michaelmas Term, 1896:—

RULES FOR THE ADMISSION OF WOMEN TO PRACTICE AS  
BARRISTERS-AT-LAW.

227 (a). Every woman seeking admission to practice as a Barrister-at-law under the provisions of the Statute in that behalf shall furnish proof:—

(a) That she has been entered upon the books of the Society pursuant to the Rules for admission of women to practice as solicitors, and has remained on such books for a period of three or five years, according as she shall have been entered as a graduate or matriculant.

(b) That she has actually and *bonâ fide* attended in a Barrister's chambers, or has served under Articles of Clerkship for a period of three or five years as the case may be.

(c) That she has complied with the conditions of the Statutes and every requirement of the Rules of the Society with regard to Students-at-law, including attendance at lectures in the Law School, passing of examinations, payment of fees, and every other matter or thing compliance with which by a Student-at-law is a prerequisite to call to the Bar.

2. The fees payable by such woman upon admission to practice as a Barrister-at-law shall be the same as those paid by other Students-at-law.

3. Upon admission to practice as a Barrister-at-law such woman shall become subject to all the provisions of the Statutes and the Rules of the Society with regard to Barristers-at-law, and noncompliance with or failure to observe the same, or any of them, shall subject her to all the disabilities and penalties imposed upon other Barristers-at-law.

4. Every such woman appearing before Convocation upon the occasion of her being admitted to practice as aforesaid shall appear in a Barrister's gown worn over a black dress, white necktie, with head uncovered.

5. The Society may from time to time repeal, alter, vary or amend the foregoing Rules, or any of them.

## APPENDIX.

## A.

TREASURER'S SUMMONS FOR A SPECIAL  
CONVOCATION.

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 Convocation of the Benchers of this Society, to be held in the Convocation-Chamber, in Osgoode Hall, at the hour of            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, etc.,

*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-at-Law).

## 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.

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 the 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 a Student-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 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, Vic.

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E.

CERTIFICATE 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., having complied with the Rules in that behalf and been classed in the graduate (or matriculant, as the case may be) class, 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-at-Law 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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## 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 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 and 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.)

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  
                                   ) in the county of                    of  
 To Wit:                    )                    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.

G.

#### ASSIGNMENT OF ARTICLES OF CLERKSHIP.

This indenture made (in duplicate) the                    day of                    in the year of our Lord one thousand eight hundred and ninety                    between                    of                    in the county of                    one of the Solicitors of the Supreme Court of Judicature for Ontario,                    of the first part,                    of the same place, Student-at-Law,                    of the second part. And                    of                    in the county of                    one of the Solicitors of the said Court,                    of the third part.

Whereas, by articles of clerkship bearing date the                    day of                    , A.D. 189                    , made between the said                    of the one part, and the said                    of the other part,                    the said                    of his own free will, did put. place and bind himself clerk to the said                    to serve him from the day of the date thereof, for, during and until the full end and term of                    years from thence next ensuing, and fully to be completed and ended subject to the several covenants therein contained.



Term of \_\_\_\_\_ years, according to the terms and conditions of the said hereinbefore mentioned articles of clerkship as therein set forth.

In consideration whereof, and of \_\_\_\_\_ paid by the said \_\_\_\_\_, (the receipt whereof the said \_\_\_\_\_ doth hereby acknowledge) the said \_\_\_\_\_, for himself, his heirs, executors and administrators, doth hereby covenant with the said \_\_\_\_\_ that the said \_\_\_\_\_ will accept and take the said \_\_\_\_\_ as his clerk; and also that the said \_\_\_\_\_ will observe and be bound by the terms and conditions of the said articles of clerkship in so far as the same were binding on the said \_\_\_\_\_

In witness, whereof, the said parties to these presents have hereunto set their hands and seals on the day and date first above mentioned.

Signed, sealed and delivered by )	[L.S.]
the within named parties in )	[L.S.]
the presence of )	[L.S.]

#### AFFIDAVIT OF EXECUTION.

COUNTY OF \_\_\_\_\_ ) I, \_\_\_\_\_ of  
 ) of the  
 ) in the county of \_\_\_\_\_

To Wit: \_\_\_\_\_ 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 \_\_\_\_\_ A.D. 189 \_\_\_\_\_

SWORN before me, at \_\_\_\_\_  
 in the county of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 in the year of our Lord 189 \_\_\_\_\_

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



2. In pursuance of an Indenture of Assignment of the said Articles, bearing date the            day of           , 18   , I actually and really served and was employed by           , of           , in the said Assignment mentioned, one other of the Solicitors of Her Majesty's said Court, as his Clerk in the business, practice and employment of a Solicitor from the day of the date of the said Assignment inclusive to the            day of           , 18   , inclusive, being a period of            years,            months, and            days.

3. In pursuance of a further Indenture of Assignment of the said Articles, bearing date the            day of           , 18   , I actually and really served and was employed by            of           , in the said Assignment mentioned, one other of the Solicitors of Her Majesty's said Court, as his Clerk in the business, practice, and employment of a Solicitor from the day of the date of the said Assignment inclusive to the            day of           , 18   , inclusive, being a period of            years,            months, and            days.

4. In pursuance of a further Indenture of Assignment 18   , of the said Articles, bearing date the            day of           , I actually and really served and was employed by           , of           , in the said Assignment mentioned, one other of the Solicitors of Her Majesty's said Court, as his Clerk in the business, practice, and employment of a Solicitor from the day of the date of the said Assignment inclusive to the            day of           , 18   , inclusive, being a period of            years,            months, and            days.

5. In pursuance of a further Indenture of Assignment of the said Articles, bearing date the            day of           , 18   , I actually and really served and was employed by           , of           , in the said Assignment mentioned, one other of the Solicitors of Her Majesty's said Court, as his Clerk in the business, practice, and employment of a Solicitor from the day of the date of the said Assignment inclusive to the            day of           , 18   , inclusive, being a period of            years,            months, and            days, making in the whole the full term of            years specified in the said Articles.

6. I did not at any time during the term of my service mentioned in the said Articles hold any office nor was I engaged in any employment whatsoever other than the employment of Clerk to the said            and his partner or partners in the business, practice, and employment of a Solicitor.

7. I passed my first Intermediate Examination in the month of \_\_\_\_\_, 18\_\_\_\_, and my second Intermediate Examination in the month of \_\_\_\_\_, 18\_\_\_\_.

Sworn before me at \_\_\_\_\_, )  
 in the County of \_\_\_\_\_, )  
 this \_\_\_\_\_ day of \_\_\_\_\_, )  
 18\_\_\_\_.

*A Commissioner, etc., etc.*

J.

QUESTIONS TO BE ANSWERED UNDER RULE  
 197 BY THE BARRISTER IN WHOSE CHAMBERS  
 A STUDENT-AT-LAW HAS ATTENDED.

The following questions are to be answered by the Barrister or Barristers in whose chambers the Student has attended, for any part of his Term:—

1st. Has A. B. actually and *bonâ fide* attended during his whole term of years in your chambers? And, if not, state the reason.

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

3rd. Has the said A. B., during the said Term, been engaged or concerned in any profession, business or employment, other than his professional employment as Student in attendance?

4th. Has the said A. B., during the whole Term, with the exceptions above mentioned, been faithfully and diligently employed in your professional business of a Barrister?

5th. Has the said A. B., since the expiration of his said Term, 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 Barrister?

6th. And I do hereby certify that the said A. B. has actually and *bonâ fide* attended in my chambers for the period of —; and that he is a fit and proper person to be called to the Bar.

## K.

QUESTIONS TO BE ANSWERED BY AN ARTICLED  
CLERK UNDER RULE 202.

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 articled 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 articled 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 articled 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 (or Barrister, as the case may be) ?

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 L.

QUESTIONS TO BE ANSWERED UNDER RULE  
202 BY THE SOLICITOR TO WHOM A  
CLERK HAS BEEN ARTICLED.

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 :—

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 Articled 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 (or Barrister, as the case may be) ?

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, etc., for the Term therein expressed ; and that he is a fit and proper person to be admitted as a Solicitor (or Barrister, as the case may be).

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### M.

#### 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-at-Law, and who has received his professional education under 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.

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N.

## 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-at-Law, 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.)

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 O.

## BARRISTER'S 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-at-Law (or Esquire, Member of the Honourable 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 practise at the Bar in Her Majesty's Province of Quebec, Nova Scotia or New Brunswick, etc., as the case may be), 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 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 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 the same or any other Rule, Resolution, Order or Regulation passed or 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, 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 the same 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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P.

### 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.

## 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-at-Law, 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-at-Law ; and 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.

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R.

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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S.

## PETITION FOR CERTIFICATE OF FITNESS.

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

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

The petition of \_\_\_\_\_ 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 Law ; That he received his profes-  
sional education under the superintendence of  
a Solicitor of the Supreme Court for Ontario ; That he was  
admitted into the Law Society as a member thereof, and  
entered on the books thereof as a Student of the Laws in  
the Term of \_\_\_\_\_ 18 ; That the degree of B. A., was con-  
ferred on him on \_\_\_\_\_ day of \_\_\_\_\_ 18 , by the University  
of \_\_\_\_\_ ; That his articles of clerkship were dated and  
executed on the \_\_\_\_\_ day of \_\_\_\_\_ 18 , and were duly  
filed on the \_\_\_\_\_ day of \_\_\_\_\_ 18 ; That he passed the  
intermediate examinations as follows :

First intermediate examination in	_____	Term, 18
Second " " in	_____	" 18

That he has particularly studied the branches of the Law,  
mentioned in the Law Society Curriculum ; That in the  
course of such study he has read the works mentioned in  
such Curriculum ; That his articles of clerkship expire on  
the \_\_\_\_\_ day of \_\_\_\_\_ 18 , and that he is desirous of receiv-  
ing a Certificate of Fitness and of being admitted as an  
Attorney and Solicitor.

Your petitioner, therefore, most respectfully prays  
that, his qualifications being first examined and found  
sufficient according to the Rules of the Society and Stand-  
ing Orders of Convocation in that behalf, he may receive  
a Certificate of Fitness accordingly.

Witness,

Term, 18 .

## LIBRARY REGULATIONS.

REPORTED TO CONVOCATION, MAY 21ST, 1894, PURSUANT  
TO RULE 75.

(1) The Library shall be closed on Sundays and statutory holidays.

(2) On other days it shall be kept open for the use of members of the Law Society as follows:—

(a) On Saturdays, except in the Long and Christmas Vacations, from 9 A.M., to 3 P.M. On Saturdays in the Long Vacation from 10 A.M., to 2 P.M., and in the Christmas Vacation from 10 A.M., to 3 P.M.

(b) During Term and when any Court is sitting, from 9 A.M., to 5 P.M., or until the Court rises if sitting after 5 P.M.

(c) Out of Term and when no Court is sitting, from 9 A.M., to 5 P.M., except in the Long and Christmas Vacations, when the hour of opening shall be 10 A.M., and the hour of closing 2 P.M. in the Long Vacation, and 3 P.M. in the Christmas Vacation.

(d) In the evening during the Law School Term from 7.30 P.M., to 10.30 P.M.

(3) No conversation shall be carried on in the Library or its annexes.

(4) No person shall bring his hat or umbrella into the Library or its annexes, nor place his greatcoat, cloak, etc., on any table or chair therein.

(5) The Library is maintained for reference purposes only, and the tables are to be occupied only for the examination of books. Members of the Law Society are therefore requested to take notice;

(a) That Students must not, except in the evening, use the Library for purposes of study.

(b) That members of the profession must not use it for general business.

(6) Books on the Law School Curriculum shall, except in the evening, be reserved for the use of members of the profession.

(7) Defacement of the books with pen or pencil, or otherwise, is strictly forbidden.

(8) Books shall not be taken out of the Library, except under the circumstances and upon the conditions following:—

- (a) The Judges of the Supreme Court of Judicature, the Master in Chambers and the Master in Ordinary shall be at liberty to take books, 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, may have such book upon application to the Librarian, such book to be returned to the Library immediately after the close of the argument for which it was required. Books taken from the Library in pursuance of this regulation, are to be in all cases returned the same day, and any person taking books from the Library otherwise than upon such application, or failing to return the same in the manner hereby directed, shall forfeit the benefit allowed by this regulation until restored thereto by order of Convocation or of the Treasurer.
- (b) For the application to the Librarian above mentioned, it shall be sufficient to enter the name and volume of the book required and the name of the person taking the same, in a register book, which shall be kept in the Library for that purpose.
- (c) The following books may be taken out over night to be returned at 10 A.M. on the following day:—
  - (i) Legal treatises, of which the Library contains duplicates, at least one copy of the last editions being always retained.
  - (ii) Legal periodicals other than the serial reports.
- (d) Works of general literature, other than books of reference, encyclopædias, dictionaries, etc., may be taken out for a week.

(e) The books named in the preceding two sub-sections shall be available only to Barristers and Solicitors who are members of the Law Society upon application to the Librarian, whose duty it shall be to issue them upon such application if the applicant shall not have previously disregarded the said regulations, taking a receipt on which shall be recorded the time of the return of the book and its condition.

(9) It shall be the duty of the Librarian to enforce these regulations and to report any infringement of them to the Library Committee.

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U.

THE BARRISTER'S OATH.

You are called to the degree of Barrister to protect and defend the rights and interest of such of your fellow citizens as may employ you. You shall conduct all cases faithfully and to the best of your ability. You shall neglect no man's interest, nor seek to destroy any man's property. You shall not be guilty of champerty or maintenance. You shall not refuse causes of complaint reasonably founded, nor shall you promote suits upon frivolous pretences. You shall not pervert the law to favour or prejudice any man, but in all things shall conduct yourself truly and with integrity. In fine, the Queen's interest and your fellow-citizens you shall uphold and maintain according to the constitution and law of this Province.

All this I swear to observe and perform to the best of my knowledge and ability—so help me God.

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## ORDINANCE OF 25 GEO. III, CHAP. 4:

An Ordinance concerning Advocates, Attorneys, Solicitors and Notaries, and for the more easy collection of His Majesty's Revenues.

[Assented to 30th April, 1785.]

WHEREAS the welfare and tranquility of families, and the peace of individuals require, as an object of the greatest importance, that such persons only should be appointed to act and practice as barristers, advocates, attorneys, solicitors, proctors, and notaries who are properly qualified to perform the duties of those respective employments, and that, under certain necessary and proper regulations; be it therefore ordained and enacted by his honor the Lieutenant-Governor and Commander-in-chief of this Province, by and with the advice and consent of the Legislative Council thereof, and by the authority of the same, it is hereby ordained and enacted, I. That from and after the publication of this ordinance, no person shall be commissioned, appointed or permitted to practice in any of His Majesty's Courts of civil jurisdiction in this Province, as a barrister, advocate, solicitor, attorney, or proctor at law, who shall not have, *bonâ fide*, served a regular and continued clerkship, for and during the space of five years, under a contract, in writing, for that purpose made and entered into, with some advocate or attorney duly admitted and practising in the Courts of civil judicature in this Province or in some other part of his Majesty's dominions, or with some clerk or register of any Court of Common Pleas, or Court of Appeals, within this Province, for and during the space of six years, unless such person shall have been already called to the bar, or entitled so to be, and to practise as an advocate or attorney, in some Court of civil jurisdiction, within some part of His Majesty's dominions, neither shall any person so entitled to be commissioned, or admitted to practise as aforesaid, be commissioned or admitted to practice in any of the several capacities aforesaid, until after he shall have been examined by some of the first and most able barristers, advocates, and attorneys of the Court of judicature in this Province, in the presence of the Chief Justice, or two or more Judges of some of his Majesty's Courts of Common Pleas, and that such person,

so examined, shall be, by the said Chief Justice or Judges, approved and certified to be of fit capacity and character to be admitted to practise the law, in the several Courts in this Province.

II. That no person shall hereafter, be commissioned or appointed a Notary in this Province, who shall not have, *bonâ fide* served a regular and continued clerkship, for and during the space of five years, under a contract, in writing, for that purpose made and entered into, with some notary, duly commissioned and appointed, and practising as such: and until after such person so serving a continued clerkship shall have been examined by some of the eldest notaries and practitioners in that science, in the presence of the Chief Justice, or two or more Judges of His Majesty's Court of Common Pleas of the district wherein such person may have so served his clerkship, and be approved in manner abovesaid, as a person of fit capacity and character, to be commissioned and admitted to act and practise as a Notary, in this Province. And all and every Notary with whom any person may serve a continued clerkship as abovesaid, shall give due proof, when required, of the service performed.

III. That from and after the publication of this Ordinance, all and every Notary is, and are hereby directed to collect and place, in regular and due order, all and every the minutes of acts and contracts, that may have been, or may be passed before them, in the proper order of time in which such acts may have been, or may be passed: And shall select and put up the minutes and writings, of what nature soever, of every year's transactions and acts, in separate bundles, folded and covered with strong paper, in the manner of a register, and on the back of which shall be indorsed, the general contents of each bundle, and the year in which the same may have been made or done.

And that the registers as abovesaid, of every Notary, shall be open to legal inspection, for examining the legal state thereof. And if on such examination, to be made at reasonable periods, it shall be found, that any Notary hath neglected obedience to this article; or that his registers are irregular and imperfectly kept and preserved, he shall be deprived of the office of Notary, and held and considered as disqualified to pass any future act.

IV. And all and every Notary, are hereby required, strictly to comply with the ancient laws of this Province, which respect the passing of acts before them, or any of them, as Notaries ; and by which the validity of such their acts will be considered and adjudged.

V. That from and after the decease of any Notary, his minutes, registers, books and acts, by him passed and preserved, as and relating to the duties of a Notary, shall be held and considered as public records of the Court of Common Pleas of the district wherein he may have acted as a Notary ; and shall be forthwith deposited in the Clerk's office of the said Court of Common Pleas, of Record, and for the benefit of His Majesty's subjects, who may have legal interest therein.

That upon the decease of any Notary, as abovesaid, the Clerk of the Court of Common Pleas of the district wherein the said deceased Notary shall have resided, shall repair to the office of such deceased Notary, and demand the records abovesaid : and shall upon delivery, take a regular account of the same, and in an inventory thereof, to be by him made, shall specify every particular minute, act, book, and paper by him received, and shall sign and record the same in the said Court of Common Pleas, and shall deliver a copy of the said inventory to the person from whom he may receive the several minutes, acts, books, and papers as abovesaid.

That all and every Clerk of any Court so receiving the minutes, books, and papers of any deceased Notary, shall preserve a regular account of all fees, which may be by him received for copies of any act so passed by such deceased Notary ; and shall, once every quarter of the year for and during five years, only, pay unto the widow or heirs of such deceased Notary, one moiety of all fees, which may be so received as abovesaid.

VI. And whereas it has been found expedient, that Notaries and Clerks of Courts should not be permitted to practise in any of His Majesty's Courts of civil jurisdiction within this Province, as Barristers, Advocates, Solicitors, Attorneys, or Proctors at Law, and that Land Surveyors should not hold and exercise the functions of notaries ; Be it therefore enacted and ordained by the authority aforesaid, that no person shall hereafter be appointed, commis-

sioned, or admitted to practise, in any Court in this Province, as Barrister, Advocate, Solicitor, Attorney, or Proctor at Law, or be, or act as the Clerk of any Court, who may be a Notary, nor shall any person be appointed or permitted to act as a public Land Surveyor, who may be a Notary. But that these several occupations of practising the law, in His Majesty's Courts in this Province, and of being a Clerk therein; and of Notary; and of Land Surveyor; shall be held and exercised separately, and by different persons, to the intent and purpose that the functions and duties of the one may not interfere with the other.

And that all and every person, who at present may hold any two of the above appointments, and may exercise the joint functions and duties of those respective offices or trusts, are hereby required, that within twelve months from the publication of this ordinance, he and they, do elect and make choice of the one of those employments, commissions, or offices, which he or they may be desirous to hold, exercise, and enjoy; and to transmit and file with the Clerk of the Court of Common Pleas of the District wherein such person may exercise the said employments and functions, such his election and choice.

VII. And it is hereby further ordained and enacted, that from and after the period of such choice and election taken and made as abovesaid, no person being a Notary, shall be permitted to plead, or practise as a Barrister, Advocate, Solicitor, Attorney, or Proctor at Law, in any Court in this Province, or directly or indirectly to sue out any writ or process whatever or commence, carry on, or defend, any action or suit in the name or on behalf of any other person, whether by original writ, or on appeal, in any of His Majesty's Courts within this Province: on pain of being disqualified from acting and exercising the functions of a Notary as abovesaid.

And all persons who may practise in any of the said Courts as a Barrister, Advocate, Attorney, Solicitor, or Proctor, twelve months after the publication of this Ordinance, or after the choice and election abovesaid, are hereby disqualified from passing any acts or deeds, or doing any other matter or thing in the capacity of a legal Notary.

VIII. That during the period abovesaid, and until the choice and election aforesaid, all and every person holding the two commissions as abovesaid, and exercising the functions thereof, are hereby disqualified and prohibited from suing out any writ or process, or appearing in any Court of Justice, and there to plead or defend, or otherwise act as a Barrister, Advocate, Counsel, Attorney, or Proctor, in any matter or cause, wherein any act passed before such person as a Notary, be objected to, controverted, disputed or called in question.

And all and every person, being an Advocate, Attorney, Solicitor, or Proctor at Law, and Notary, who may have conducted, pleaded or been counselled, and have advised, in and concerning any matter in dispute, before any Court of Justice, is and are hereby prohibited and disqualified to pass any act as a Notary, between the parties aforesaid, and wherein the matter that hath been or may be in dispute may, in any wise enter into or make any part of such act or transaction so to be passed as abovesaid.

IX. Provided always, that all and every Notary who shall comply with and perform the third article of this Ordinance; and who, at or before the expiration of twelve months as abovesaid, may make his choice and election to be, remain, and act as a Barrister, Advocate, Attorney, Solicitor, and Proctor, or in any one of the said employments, shall and may hold and enjoy the benefit of keeping and preserving his study, and several minutes and acts by him passed, when Notary as abovesaid, and of making and delivering copies of the same, when legally required, and on payment of the lawful fees. And that after his decease, the books, minutes, acts, registers, and papers of such Notary, shall become public records, in the manner prescribed by the fifth article of the present Ordinance.

X. And for the better collecting of His Majesty's rights and dues, which may arise and grow due by mutation fines, and *lots et ventes*, and quints.

Be it also enacted by the authority aforesaid, that every person exercising the functions and duties of a legal Notary, within this Province, shall regularly and duly every three months in every year, commencing on the first day of August next, send, and transmit to the Receiver-General of the King's domain, (or to the person lawfully authorised

to perform the duties of Receiver-General in the City of Quebec) an abstract of all and every deed of sale, or act equivalent to a sale, and deeds of exchange, and deeds of gift, subject to life rent or charge: on pain of Five Pounds for every neglect, to be recovered by bill, plaint, or information in any of His Majesty's Courts of Common Pleas in this Province, to be paid to His Majesty's Receiver-General, and applied to the public uses of the Province.

And for every such abstract, the Notary making and transmitting the same, shall be entitled to receive from His Majesty's said Receiver-General, one Shilling and three Pence, and no more.

XI. And also, that all and every Sheriff, and the several Clerks of the Prerogative Courts, in the separate districts of this Province, shall in like manner, and under the same pains and penalties for neglect or disobedience, send and transmit to the Receiver-General as abovesaid, abstracts of all and every sale by auction, or otherwise, by them made, under process of any of His Majesty's Courts, to them or either of them directed. And also of sales by licitation or judicial order and decree, and whereby any rights and dues may accrue to His Majesty's Revenue, for each of which abstracts they shall in like manner be entitled to have and receive one Shilling and three Pence, and no more.

HENRY HAMILTON.

Ordnained and enacted by the authority aforesaid, and passed in Council under the Public Seal of the Province, at the Council-chamber in the Castle of St. Lewis, in the city of Quebec, the thirtieth day of April, in the twenty-fifth year of the reign of our Sovereign Lord GEORGE the Third, by the grace of GOD of Great Britain, France, and Ireland King, defender of the faith, and so forth, and in the year of our Lord one thousand seven hundred and eighty-five.

By the Lieutenant-Governor's command.

ALEX. GRAY, A. C. L. C.

## 37 GEO. III., CHAP. 13.

## An Act for the better Regulating the Practice of the Law.

[Assented to 3rd July, 1797.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the persons now admitted to practice in the Law, and practising at the Bar of any of His Majesty's Courts of this Province, to form themselves into a Society, to be called the Law Society of Upper Canada, as well for the establishing of order amongst themselves as for the purpose of securing to the Province and the profession a learned and honourable body, to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the said Province.

II. And be it further enacted by the authority aforesaid, that the said Society shall, and is hereby authorized to form a body of rules and regulations for its own government, under the inspection of the Judges of the Province for the time being, as visitors of the said Society, and to appoint the six senior members, or more, of the present Practitioners, and the six senior members or more, for the time being, in all times to come (whereof His Majesty's Attorney General, and Solicitor General, for the time being, shall be, and be considered to be two) as Governors or Benchers of the said Society, and also to appoint a Librarian and a Treasurer.

III. And be it further enacted, that it shall and may be lawful for the said Practitioners, or as many as can be called together, (whereof His Majesty's Attorney General and Solicitor General shall be two) to assemble at the town of Newark, in the county of Lincoln, on the seventeenth day

of July next ensuing the passing of this Act, for the purpose of framing and adopting such rules and regulations as may be necessary for the immediate establishment of the said Society and its future welfare ; and such rules and regulations as shall then and there be adopted, shall be openly read and entered in a Book to be for that purpose provided, and having received the approbation of the said Judges as visitors as aforesaid, shall be, and be considered to be the constitution of the said Society, and binding upon all its members. Provided always, that it shall and may be lawful in time to come, to add such other rules and regulations, with the approbation of the Judges as aforesaid, as may then and there be necessary.

IV. And be it further enacted, that it shall and may be lawful to and for every person now practising at the Bar of any of His Majesty's Courts, to take one pupil or Clerk for the purpose of instructing him in the knowledge of the Laws, any Law or Ordinance to the contrary notwithstanding.

V. And be it further enacted, that no person other than the present Practitioners, and those hereafter mentioned, shall be permitted to practise at the Bar of any of His Majesty's Courts in this Province, unless such person shall have been previously entered of, and admitted into the said Society as a Student of the Laws, and shall have been standing in the Books of the said Society, for and during the space of five years, and shall have conformed himself to the rules and regulations of the said Society, and shall have been duly called, and admitted to the practice of the Law as a Barrister, according to the constitutions and establishment thereof. Provided always, that it shall and may be lawful for any person having been duly admitted to practice at the Bar of any of His Majesty's Courts in England, Scotland, or Ireland, or of any of His Majesty's Provinces in North America, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct to the satisfaction of the Judges of the King's Bench, to be admitted to practice in this Province, so as such person shall within one month from such admission, enter himself of the said Society, and conform to all the rules and regulations thereof, Provided also, that nothing herein before contained shall affect, or be construed to affect any person who shall

or may have been articted as a Clerk before the passing of this Act, with any person practising at the Bar in any of the Courts of this Province, authorised to take a Clerk or Clerks, and duly acting as a Clerk accordingly ; but the time which such person shall have spent as such Clerk, shall be considered and taken to be, *pro tanto*, as a standing in the Books of the said Society, and as a reasonable and lawful deduction of so much of the said term of five years, so that such person shall likewise conform to the rules and regulations of the said Society, in all matters and things thereunto appertaining.

VI. And be it further enacted by the authority aforesaid, that nothing in this Act contained, shall prevent any person, who hath been regularly articted with any person in this Province, duly authorised to take a Clerk, and shall have been standing in the Books of the Society aforesaid, for and during the space of three years, from acting merely as an Attorney or Solicitor in any of His Majesty's Courts of Law or Equity in this Province.

VII. Provided nevertheless, and be it further enacted, that no person shall be admitted to practice in this Province, who shall not at the time of such admission have attained the full age of twenty-one years.

VIII. And be it further enacted by the authority aforesaid, that a certain Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, intituled, " An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy collection of His Majesty's Revenues," as far as it may relate to Barristers, Advocates, Attornies or Solicitors, be, and the same is hereby repealed.

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## 2 GEO. IV., CHAP. 5.

An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, entitled "An Act for the better regulating the practice of the Law," and to extend the provisions of the same.

[Assented to 17th January, 1822.]

WHEREAS it is expedient to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, entitled "An Act for the better regulating the practice of the Law," and to extend the provisions of the same: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the said Province,'" and by the authority of the same, That the Treasurer and Benchers of the Law Society for the time being, and their successors to be nominated and appointed according to the rules and by-laws of the said Society, shall be and they are hereby declared to be one body corporate and politic in deed and in law, by the name of The Law Society of Upper Canada, and shall have perpetual succession and a common seal, with power to change, alter, break or make new the same, and they and their successors by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all or any Court or Courts of Record and places of jurisdiction within this Province, and that they and their successors by the name aforesaid shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the end and purposes of this Act, and in trust and for the benefit of the said Society all such sum and sums of money as have been paid or given, or shall at any time or times hereafter be paid, given, devised or bequeathed by any person or persons to and for the use of the said Society, and that they and their successors by the name aforesaid shall and may at any time hereafter without any license of mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or heredita-

ments, or any estate or interest derived or arising out of any lands, tenements or hereditaments for the purposes of the said Society, and for no other purposes whatsoever, and may also in the same manner sell, grant, lease, demise, alien or dispose of the same, and do or execute all and singular other matters and things that to them shall or may appertain to do.

II. And be it further enacted by the authority aforesaid, that so much of the fifth clause of the said Act passed in the thirty-seventh year of His late Majesty's reign, as respects the admission of persons to practice in this Province, who have been duly admitted to practice at the bar of any of His Majesty's Courts in England, Scotland or Ireland, or of any of His Majesty's Provinces in North America, shall be and the same is hereby repealed, and that from and after the passing of this Act, it shall and may be lawful for any person having been duly called, to practice at the Bar of any of His Majesty's Superior Courts, not having merely local jurisdiction in England, Scotland or Ireland, or in any of His Majesty's Provinces in North America, in which the same privilege would be extended to Barristers from this Province, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct to the satisfaction of the Law Society of this Province to be called by the said Law Society to the degree of a Barrister, upon his entering himself of the said Society and conforming to all the rules and regulations thereof.

III. And be it further enacted by the authority aforesaid, that the sixth clause of the said Act passed in the thirty-seventh year of His late Majesty's reign shall be and the same is hereby repealed, and that from and after the passing of this Act, no person shall be admitted by the Court of King's Bench to practice as an Attorney in this Province, unless upon an actual service under articles for five years with some practising attorney in this Province, provided, nevertheless, that nothing in this Act contained shall extend or be construed to extend to any student now serving with any person in this Province duly authorized to take a clerk, and who shall have been proposed or entered on the books of the Law Society as a student.

## 4 WM. IV., CHAP. 9.

An Act to amend an Act passed in the second year of the reign of His late Majesty King George the fourth, entitled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, entitled 'An Act for the better regulating the practice of the Law,' and to extend the provisions of the same."

[Assented to 6th March, 1834.]

WHEREAS by a Statute passed in the second year of His late Majesty's reign, entitled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, entitled 'An Act for the better regulating the practice of the Law,' and to extend the provisions of the same," it is among other things enacted, that no person shall be admitted by the Court of King's Bench to practice as an Attorney in this Province unless upon an actual service under articles for five years with some practising Attorney in this Province: And whereas such Law may operate to the prejudice of His Majesty's service if applied to His Majesty's Attorney or Solicitor General, who previous to their appointment may not have served under such articles in this Province: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the government of the said Province,'" and by the authority of the same, That nothing in the third clause of the said Act passed in the second year of the reign of His late Majesty King George the Fourth, shall apply to any person appointed, or to be appointed by His Majesty, to be his Attorney or Solicitor General for this Province, but that such Attorney General or Solicitor General shall be, and is hereby declared to be entitled, upon his application to be admitted and sworn an Attorney of His Majesty's Court of King's Bench in this Province, in the same manner as if he had served the period required by Law with some practising Attorney of the said Court.

## 9 VICT., CHAP. 33.

An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada.

[Assented to 9th June, 1846.]

WHEREAS it is necessary to make provision for the due accommodation of the Superior Courts of Law and Equity in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That there be granted to Her Majesty the sum of six thousand pounds, to be raised by debentures in manner hereinafter mentioned, to enable Her Majesty to pay that sum to the Law Society of Upper Canada, so soon as that Society shall enter into a covenant to the satisfaction of the Governor-in-Council, to provide fit and proper accommodation for the Superior Courts of Law and Equity, for all time to come, at the seat of the said Society, without further charge and expense to this Province.

II. And be it enacted, That it shall and may be lawful for the Governor of this Province to authorize the issue of debentures for the sum of six thousand pounds, in such form and for such separate sums as may be found convenient; such debentures to be at a rate of interest not to exceed six per centum per annum, and redeemable within fifteen years.

III. And be it enacted, That if any person or persons shall forge or counterfeit any debenture to be issued under the authority of this Act, or any stamp, indorsement or writing thereon or therein, or shall demand to have such counterfeited debenture, or any debenture with such counterfeited writing or other indorsement thereon or therein, to be exchanged for money by any person or persons, who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the

debenture so tendered or the endorsement or writing thereon or therein to be so forged or counterfeited, with intent to defraud Her Majesty, her heirs and successors, or the person appointed to pay the same or any of them, or any other person or persons, body or bodies politic or corporate, then every person so offending being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer such punishment as shall be adjudged in that behalf, not exceeding imprisonment at hard labour in the Provincial Penitentiary for seven years.

IV. And be it enacted, That for the purpose of paying the interest on such debentures and liquidating the principal thereof there be levied, imposed and collected on the proceedings in Law and Equity, the sums set forth in that behalf in the Schedule to this Act annexed.

V. And be it enacted, That it shall be the duty of the Clerk of the Crown and Pleas and his several deputies, and of the Registrar of the Court of Chancery, and of the Clerk of the Court of Appeals in that part of this Province called Upper Canada, severally to collect the sums imposed on the writs, process and proceedings mentioned in the said Schedule, and to render half-yearly accounts of the same to the Inspector-General of this Province duly verified on oath to be taken before any Judge or Justice of the Peace, and to pay the same at such times as shall be directed by the Governor-in-Council, to the account of or to the Receiver-General; and that the officer rendering such account and making such payment shall be entitled to charge and receive four per centum on the sums paid over by him.

VI. And be it enacted, That it shall be lawful for the Governor of this Province to authorize and direct that a portion, not to exceed two acres, of that lot of land in the city of Toronto formerly known and designated as Simcoe Place, and bounded by Front Street, John Street, Market Street, and Grave Street, according to the plan in the Surveyor-General's Office, shall be sold at public auction, for the best price that can be obtained for the same, payable in money at a credit of not more than five years; and that the proceeds of such sale or sales, as well interest as principal, shall be applicable and applied to the satisfaction of the debentures to be issued under the authority of this Act.

VII. And be it enacted, That it shall and may be lawful for the Governor of this Province at any time by proclamation to call in any of the said debentures, although the time therein named for the payment thereof may not have arrived, in order that the same may be paid off; and that at the expiration of six months from the date of such proclamation, all interest on the debentures called in for payment as aforesaid shall cease.

VIII. And be it enacted, That accounts in detail of all moneys received and paid, and of the debentures issued and the interest thereon, and of the redemption of the whole or any part of such debentures, and of all expenses attending the collection and payment of the sums of money collected and received by authority of this Act, shall be laid before the Legislature of this Province at each session thereof.

IX. And be it enacted, That the due application of the moneys so to be raised shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, her heirs and successors shall be graciously pleased to direct.

X. And be it enacted, That the words "Governor of this Province," or "Governor," whenever the same occur in this Act, shall be construed to mean the Governor, Lieutenant-Governor, or person administering the Government of this Province.

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## SCHEDULE

### ON PROCEEDINGS IN THE QUEEN'S BENCH.

On every Writ of Capias ad Respondendum, alias, or pluries, or of Summons alias, or pluries, and every other original Writ or Process, Writ of Mandamus, or other Prerogative Writ, one shilling and three pence.

On passing every Record of Nisi Prius, one shilling and three pence.

On every Judgment entered, two shillings and six pence.

### ON PROCEEDINGS IN EQUITY.

On filing every Bill, five shillings.

### ON PROCEEDINGS IN APPEAL.

On every Writ of Appeal from the Court of Queen's Bench or Chancery, five shillings.

## REV. STAT. ONT., 1887, CHAP. 145.

## An Act respecting the Law Society of Upper Canada.

LAW SOCIETY CONTINUED, ss. 1, 2.  
 VISITORS, s. 3.  
 BENCHERS, ss. 4-47.  
 Election, ss. 5-34.

Powers, ss. 35-47.  
 LAW BENEVOLENT FUND, s. 48.  
 REPORTERS, ss. 49-51.  
 REVENUE & EXPENDITURE, ss. 52, 53.

**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. R. S. O. 1877, c. 138, s. 1.

**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 pertaining to them to do. R. S. O. 1877, c. 138, s. 2.

## VISITORS.

**3.** The Judges of the Supreme Court of Judicature shall be Visitors of the Society. R. S. O. 1877, c. 138, 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 of the Supreme Court shall respectively, *ex officio*, be Benchers of the Society. R. S. O. 1877, c. 138, s. 4.

5. The Benchers of the Law Society, exclusive of *ex officio* members, shall be thirty in number, to be elected as hereinafter provided. R. S. O. 1877, c. 138, s. 5.

6.—(1) The Benchers shall, during the Term next preceding an election, appoint (with their assent) 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. R. S. O. 1877, c. 138, s. 6.

(2) The first two mentioned scrutineers shall be members of the Law Society, but shall not be eligible for election to the office of Bencher, and their names shall be printed on the voting paper to be sent by the Secretary of the Society to each voter. 50 V. c. 8, Sched.

7. An election shall be held on the first Thursday after the first Wednesday in April, 1891, 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 the scrutiny the others may nevertheless proceed therewith. R. S. O. 1877, c. 138, s. 7.

8. Each member of the Bar, not hereinafter declared ineligible as an elector, may vote for thirty persons. R. S. O. 1877, c. 138, s. 8.

9. The 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 the

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. R. S. O. 1877, c. 138, s. 9.

**10.** It shall be the duty of the Secretary to send to each member of the Bar whose name is on the alphabetical list or register mentioned in section 17, where his residence is known to the Secretary, one copy of the said form of voting paper applicable to the election then next to be held. Such form shall be sent in such manner and at such time before the holding of the election as may be directed by rule of the Benchers in Convocation. 50 V. c. 8, Sched.

**11.** It shall be the duty of the Secretary to send with the said form of voting paper, a list of those persons then already Benchers of the Law Society *ex officio*, and of those whose term of office is about to expire. 50 V. c. 8, Sched.

**12.** 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. R. S. O. 1877, c. 138, s. 10.

**13.** 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. R. S. O. 1877, c. 138, s. 11.

**14.** Any person entitled to vote at such election shall be entitled to be present at the opening of the said voting papers. R. S. O. 1877, c. 138, s. 12.

**15.** In case of an equality of votes between two or more persons, which leaves the election of one or more 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 Society shall draw by chance from the ballot-box, in the presence of the scrutineers, one or more of such papers sufficient to make up the required number, and the persons whose names are upon the papers so drawn shall be the Benchers. R. S. O. 1877, c. 138, s. 13.

**16.** No person shall be entitled to vote at an election unless all his bar fees to the Law Society have been paid. R. S. O. 1877, c. 138, s. 14.

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

(3) The Secretary shall add to the list the names of all persons who have been called to the Bar during the Term previous to the election; and no alteration shall be made to the list except as is provided in this section; and the list, as it stands revised upon the last Monday of the said last-mentioned Term, shall 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 the election. R. S. O. 1877, c. 138, s. 15.

**18.** No person shall be eligible as a Bencher at any election, who is not qualified to vote at the election. R. S. O. 1877, c. 138, s. 16.

**19.** At all elections retiring Benchers shall be eligible for re-election. R. S. O. 1877, c. 138, s. 17.

**20.** 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. R. S. O. 1877, c. 138, s. 18.

**21.** In the event of an elector placing more than thirty names on his voting paper, the first thirty only shall be counted, notwithstanding any of the thirty persons so named may be ineligible for election from any cause whatever. R. S. O. 1877, c. 138, s. 19.

**22.** Upon the completion of the scrutiny the Secretary shall forthwith declare the result of the election and report the same to the Society, and shall cause the names to be published in the next two issues of the *Ontario Gazette*. R. S. O. 1877, c. 138, s. 20.

**23.** The Benchers of the 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. R. S. O. 1877, c. 138, s. 21.

**24.** The 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. R. S. O. 1877, c. 138, s. 22.

**25.** No person shall sign the name of any other person to a voting paper, under this Act, or alter, or add to or falsify, or fill up any blank in a 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 Secretary, a false voting paper, or a voting paper which has been added to, or falsified or in which a blank has been filled up after the same was signed. R. S. O. 1877, c. 138, s. 23.

**26.** 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 the Secretary being unable from illness or other unavoidable cause to act at the 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 Secretary, and the person so appointed shall perform all the duties of the Secretary, as prescribed by this Act. R. S. O. 1877, c. 138, s. 24.

**27.** 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. R. S. O. 1877, c. 138, s. 25.

**28.** The seat of a 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. R. S. O. 1877, c. 138, s. 26.

**29.** 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 inquiry 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 inquiry, 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 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. R. S. O. 1877, c. 138, s. 27.

**30.** No petition against the return of a Bencher shall be entertained unless the petition is filed with the Secretary of the Law Society at least ten days before the first day of Easter Term next succeeding the election, and shall contain a statement of the grounds on which the election is disputed, and unless a copy of the 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 the petition. R. S. O. 1877, c. 138, s. 28.

**31.** On such notice being duly filed as aforesaid, the Benchers shall during the first week of the Easter Term succeeding the election, appoint a day for the hearing of the 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. R. S. O. 1877, c. 138, s. 29.

**32.** Any person petitioning against the return of a Bencher shall deposit with the Secretary of the Law Society the sum of \$100 to meet any cost which such Bencher may be put to in the opinion of the committee before which the petition is heard ; and the 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. R. S. O. 1877, c. 138, s. 31.

**33.** 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. R. S. O. 1877, c. 138, s. 32.

**34.** 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. R. S. O. 1877, c. 138, s. 33.

## POWERS OF THE BENCHERS.

**35.** 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. R. S. O. 1877, c. 138, s. 34.

**36.** On the hearing of any election petition or upon any inquiry by a committee the Benchers or committee 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 the High Court. R. S. O. 1877, c. 138, s. 30.

**37.** The Benchers may appoint such officers and servants as may be necessary for the management of the business of the said Law Society. R. S. O. 1877, c. 138, s. 35.

**38.** 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 Articled Clerks at such readings or lectures, and for examinations thereon, as conditional to call to the Bar, or admission as Solicitor; 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 Solicitor to less than three. R. S. O. 1877, c. 138, s. 36.

**39.** 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. R. S. O. 1877, c. 138, s. 37.

**40.** 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 practice the law, and all other matters relating to the discipline and honour of the Bar. R. S. O. 1877, c. 138, s. 38.

**41.** The Benchers with the approbation of the Visitors shall from time to time make such rules as they consider necessary for conducting the examination of persons applying to be admitted as 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 Solicitors; and the Society may from time to time nominate and appoint Examiners for conducting such examinations. R. S. O. 1877, c. 138, s. 39. *See also* Cap. 147, s. 9.

**42.** 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. R. S. O. 1877, c. 138, s. 40.

**43.** 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 Articled Clerks, the period and conditions of such service, and the admission of Solicitors to practice in the Courts, and all other matters relating to the discipline and practice of such Solicitors and Articled Clerks. R. S. O. 1877, c. 138, s. 41.

**44.** Whenever a person, being a Barrister, or a Solicitor of the Supreme Court of Ontario, or a Student-at-Law, or Solicitor's Clerk serving under articles, has been or may hereafter, be found by the Benchers of the Law Society, after due enquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a Barrister, 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 Solicitor is unworthy to practice as such Solicitor; to expel from the Society, and the membership thereof, 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 practice. 44 V. c. 17, s. 1.

**45.** Upon a 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 High Court. 44 V. c. 17, s. 2.

**46.** Upon its being resolved by Convocation that a Solicitor is unworthy to practise, a copy of the resolution shall forthwith be communicated to the High Court, and thereupon, without any formal motion, an order of the said Court may be drawn up, striking such Solicitor off the rolls: Provided that such Solicitor may at any time afterwards apply to the said Court to be restored to practice, as heretofore. 44 V. c. 17, s. 3.

**47.** Any powers which the Visitors of the Law Society may have in the said matters of discipline, are hereby vested in the Benchers of the Law Society, and the powers by the preceding three sections of this Act given to the said Benchers may be exercised by them without reference to, or concurrence in, by the Visitors. 44 V. c. 17, s. 4.

#### LAW BENEVOLENT FUND.

**48.** The Benchers may by by-law establish a fund for the benefit of the widows and orphans of Barristers 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. R. S. O. 1877, c. 138, s. 43.

#### REPORTERS.

**49.**—(1) 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 High Court.

(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. R. S. O. 1877, c. 138, s. 44.

**50.** The Benchers shall make regulations for printing and publishing the reports of the said decisions, and the distribution of the 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 reports shall form part of the general funds of the Law Society. R. S. O. 1877, c. 138, s. 45.

**51.** The Benchers shall from time to time determine the salaries to be allowed to the editors and reporters, and shall pay the same out of the general funds of the Society. R. S. O. 1877, c. 138, s. 46.

#### REVENUE AND EXPENDITURE.

**52.** The fees payable by Barristers, as Term Fees, and on call to the Bar, and by Solicitors on admission as Solicitors, and for the annual certificate to practise, and by Students and Articled Clerks on admission as such, and on examinations and attendance on lectures and readings, shall be paid into the general funds of the Law Society, and shall be such as the Law Society by rule from time to time prescribes. R. S. O. 1877, c. 138, s. 47. *See also* Cap. 147, s. 16 (4).

**53.** The Benchers shall, during Hilary Term in every year, furnish to every member of the Law Society entitled to vote at the election of Benchers, a statement in detail of the revenue and expenditure of the Law Society, for the year ending the thirty-first day of December preceding each statement, and the same to be first duly audited by auditors appointed by said Benchers to audit and report upon the finances of the Law Society. R. S. O. 1877, c. 138, s. 48.

## SCHEDULE.

*(Section 9.)*

## FORM OF VOTING PAPER.

*Law Society Election, 18 .*

I, \_\_\_\_\_, of the \_\_\_\_\_ in the County of \_\_\_\_\_, Barrister-at-Law, do hereby declare—

1. That the signature affixed hereto is my proper handwriting.

2. That I vote for the following persons as Benchers of the Law Society :

<i>A. B.</i> , of the _____	, in the County of _____
<i>C. D.</i> , of the _____	, in the County of _____
<i>E. F.</i> , of the _____	, in the County of _____
<i>G. H.</i> , of the _____	, in the County of _____
<i>I. J.</i> , of the _____	, in the County of _____
etc.	etc.

3. That I have signed no other voting paper at this election.

4. That this voting paper was executed on the day of \_\_\_\_\_ the date thereof.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 .  
R. S. O. 1877, c. 138, Sched.

## REV. STAT. ONT., 1887, CHAP. 146.

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

**H**ER 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 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 ;

(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 ; R. S. O. 1877, c. 139, s. 1 (1, 2).

(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. 48 V. c. 30, s. 1.

(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 ;

(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. R. S. O. 1877, c. 139, s. 1 (4, 5).

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. R. S. O. 1877, c. 139, s. 2.

**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, 1867, appointed Her Majesty's Counsel for Upper Canada, so long as they are such Counsel, according to seniority of appointment as such Counsel. R. S. O. 1877, c. 139, s. 3.

**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. R. S. O. 1877, c. 139, s. 4.

**5.** Members of the Bar from time to time appointed after the first day of July, in the year of our Lord, 1867, 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. R. S. O. 1877, c. 139, s. 5.

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. R. S. O. 1877, c. 139, s. 6.

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. R. S. O. 1877, c. 139, s. 7.

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REV. STAT. ONT., 1887, CHAP. 147.

An Act respecting Solicitors.

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ADMISSION AND ENROLMENT NECESSARY, s. 1.	Acting as agents of unqualified person, s. 24.
WHO MAY BE ADMITTED, SS. 2-4.	Default in paying over moneys collected, s. 25.
SERVICE OF ARTICLED CLERKS, s. 5.	Practising without being admitted, s. 26.
CONDITIONS OF ADMISSION, s. 6.	Practising while holding certain offices, s. 27.
EXAMINATIONS, SS. 7-10.	Not to practise while engaged in business, s. 28.
FINAL PROCEEDINGS FOR ADMISSION, s. 11.	STRIKING OFF THE ROLL :—
FEES, s. 12.	Time for, limited in certain cases, s. 29.
ANNUAL CERTIFICATES :—	Proceedings in case of, s. 30.
Issue of, ss. 13-18.	COSTS—TAXATION OF, SS. 31-48.
Penalties for not taking out, etc., ss. 19-21.	JUDGES MAY MAKE RULES, SS. 49-52.
YEARLY LISTS OF PRACTISING SOLICITORS, s. 22.	JURISDICTION OF COURTS NOT AFFECTED, s. 53.
OFFENCES AND PENALTIES :—	
Solicitors in prison not to practise, s. 23.	

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

SOLICITORS TO BE ADMITTED AND ENROLLED.

1. Unless admitted and enrolled, and duly qualified to act as a Solicitor, no person shall act as a Solicitor in any Court of Civil or Criminal Jurisdiction, or before any Justice of the Peace, or shall as such sue out any writ or process, or commence, carry on, solicit or defend any action

or proceeding in the name of any other person, or in his own name. R. S. O., 1877, c. 140, s. 1.

[See as to Division Courts, Rev. Stat., c. 51, s. 120.]

#### WHO MAY BE ADMITTED.

2. (1) All persons heretofore admitted as Solicitors or Attorneys of, or by law empowered to practise in, any Court the jurisdiction of which is now vested in the High Court, shall be called Solicitors of the Supreme Court of Ontario, and shall be entitled to the same privileges, and be subject to the same obligations, so far as circumstances will permit, as they were entitled or subject to, prior to the 22nd day of August, 1881.

(2) All persons who from time to time, if *The Ontario Judicature Act, 1881*, had not passed, would have been entitled to be admitted as Solicitors or Attorneys of, or been by law empowered to practise in, any such Courts, shall be entitled to be admitted on payment of the fees mentioned in section 12 and shall be so admitted by any Divisional Court, and shall be Solicitors of the Supreme Court of Ontario.

(3) Any Solicitors or Attorneys to whom this section applies shall be deemed to be officers of the Supreme Court; and that Court, and the High Court of Justice and the Court of Appeal, respectively, or any Division or Judge thereof, may exercise the same jurisdiction in respect of such Solicitors or Attorneys as any one of the Superior Courts or a Judge thereof might, previously to the 22nd day of August, 1881, have exercised in respect of any Solicitor or Attorney admitted to practise therein. 44 V. c. 5, s. 74.

3. 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 Solicitors :

(1) Any person who has been bound by contract in writing to a practising Solicitor in Ontario to serve, and has served, him as his clerk for five years ;

(2) Any person who has actually taken and had conferred upon him the degree of Bachelor or 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 Solicitor in Ontario to serve, and has served, him as his clerk for three years ;

(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 Solicitor in Ontario to serve, and has served, him as his clerk for three years ;

(4) Any person duly and lawfully sworn, admitted and enrolled a Solicitor of Her Majesty's Supreme Court of Judicature in England or 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 Solicitor in Ontario, to serve, and has served, him as his clerk for one year ;

(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 Solicitor in Ontario, to serve, and has served, him as his clerk for one year. R. S. O. 1877, c. 140, s. 2.

4. The High Court may in its discretion admit as Solicitors any persons who have been called to the degree of Barrister-at-Law under the provisions of sub-section 4 of section 1 of *The Act respecting Barristers-at-Law*, on their 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 the Court. R. S. O. 1877, c. 140, s. 3.

#### SERVICE OF ARTICLED CLERKS.

5. 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*, the following enactments are made with respect to the service of Articled Clerks :—

(1) Whenever any person has been bound, by contract in writing, to serve as a clerk to a 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 the Registrar of the Common Pleas Division of the High Court, who shall endorse and sign upon the 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. Every such affidavit shall state the date of the execution of the articles or assignment, as the case may be, by the parties thereto respectively.

(2) In case the 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 before mentioned ; but the service of the clerk shall be reckoned only from the date of the filing, unless the Law Society in its discretion, for special reasons in any particular case, otherwise orders.

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

(4) In case any 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, the High Court may, upon the application of the clerk, order the contract to be discharged or assigned to such person, upon such terms, and in such manner as the Court thinks fit.

(5) If a 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 a Solicitor

or, if the contract is by the consent of the parties cancelled, or in case the clerk is legally discharged before the expiration of the term by any rule or order of the Court, the clerk may be bound by another contract in writing, to serve as clerk to any other practising 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. R. S. O. 1877, c. 140, s. 4.

#### CONDITIONS OF ADMISSION AS SOLICITOR.

**6.**—(1) Subject to the 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 a 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 of service been actually employed in the proper practice or business of a Solicitor, by the Solicitor to whom he has been bound at the place where such Solicitor has continued to reside, during such term, or (with his consent) by the professional agent of the 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 herein-after 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 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.

(2) The affidavits shall be in the form approved of by the Visitors of the Law Society, and shall by the applicant be delivered to the Law Society upon his application to be examined.

(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 section 10 of this Act.

(4) The Benchers of the Law Society may allow any clerk under articles to a practising Solicitor, as part of his term of service, all and every period of time that such clerk may have been employed in the Militia Service when the Militia are called out for actual service.

(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 a Solicitor according to the best of my knowledge and ability ; So help me God.” R. S. O. 1877, c. 140, s. 5.

#### EXAMINATIONS.

7. 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 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 a Solicitor shall date only from the passing of such Examination.

(2) Notwithstanding anything in this Act contained, no persons being of either of the classes of persons mentioned in sub-sections 1 and 2 of section 2 of this Act shall be admitted or enrolled as a 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.

(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 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, not less than nine months shall elapse between the second of such examinations and the final examination. R. S. O. 1877, c. 140, s. 6.

8. Subject to the 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 3, 4 and 5 of section 2 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.

(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;

- (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;

(3) The certificates, respectively, shall bear date within three months of the first day of the Term during which the application is made. R. S. O. 1877, c. 140, s. 7.

**9.** The Benchers of the Law Society of Upper Canada, with the approbation of the Visitors, shall from time to time make such rules as they consider necessary for conducting the examination of persons applying to be admitted as 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 Solicitors; and the Society may, from time to time, nominate and appoint Examiners for conducting such examinations. R. S. O. 1877, c. 140, s. 8. *See also* cap. 145, s. 41.

**10.** 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 a Solicitor; and if satisfied by such examination, or by the certificate of the Examiners mentioned in section 9 of this Act, that such person is duly qualified, fit and competent

to act as a 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 a Solicitor. R. S. O. 1877, c. 140, s. 9.

**11.** Upon production to one of the Judges of the High Court 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 the High Court may, in addition to the oath of allegiance, administer to such person in open Court the oath hereinbefore directed to be taken by Solicitors, and after such oaths taken may cause him to be admitted and his name to be enrolled as a Solicitor, which admission shall be signed by the Registrar of one of the Divisions of the High Court, and the documents upon which the admission has been obtained shall be filed and retained of record in the office of the Court. R. S. O. 1877, c. 140, s. 10.

#### FEES.

**12.** The following fees, and no other, shall be payable to the Registrar for the Crown in stamps under this Act, subject to the provisions of *The Act respecting Law Stamps*, that is to say:—

- |  |        |
|--|--------|
| (1) 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 |
| (2) For fiat, admission, oath and certificate.....   | 5 50   |
- R. S. O. 1877, c. 140, s. 12. *See the Tariff.*

#### ANNUAL CERTIFICATES.

**13.** The Registrar of one of the Divisions of the High Court, shall annually, during the vacation after Trinity Term, deliver to the Secretary, or at his office in Osgoode Hall, certified under his hand and the seal of the said High Court, a copy of so much of the Roll as contains the names of Solicitors admitted to practice subsequently to the last return made to the said Secretary. R. S. O. 1877, c. 140, s. 13.

**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. R. S. O. 1877, c. 140, s. 14.

**15.** The Secretary shall, in another book to be kept in his office for that purpose, enter all the names contained in the copies so transmitted to him, alphabetically arranged, with a reference to the number of each name on the Roll; and shall annually, on or before the first day of February, put up in his office and also in the office of each of the Registrars, of the High Court an alphabetical list certified by him, under his hand, of all Solicitors who have taken out their certificates for the current year, and shall from time to time add to the list put up in his own office the name of each Solicitor who takes out a certificate at a subsequent period of the year, noting thereon the time when the certificate was taken out. R. S. O. 1877, c. 140, s. 15.

**16.**—(1) Every practising 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 that he is a practising Solicitor in the High Court.

(2) Such certificates shall be issued by the Secretary of the Law Society, under the seal of the Society, according to the list of names appearing in the copy of the Roll of Solicitors certified to the said Secretary under section 13 of this Act.

(3) Upon the payment of all fees and dues payable by such Solicitor to the said Society, the Secretary shall write his name on the margin of the certificate, with the date thereof, and the certificate shall be taken as issued only from such date.

(4) The Law Society shall determine what fees shall be payable for certificates. R. S. O. 1877, c. 140, s. 16.

**17.** No certificate shall be issued to any Solicitor, who is indebted to the 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 Society is paid. R. S. O. 1877, c. 140, s. 17.

**18.** No Solicitor, admitted as aforesaid, need take out any such certificate until the Michaelmas Term next following his admission. R. S. O. 1877, c. 140, s. 18.

**19.**—(1) If a Solicitor omits to take out such annual certificate in Michaelmas Term, he shall not be entitled thereto until he pays to the Law Society not only the certificate fee, so appointed as aforesaid, together with any other fees or dues which he owes to the Society, but also an additional sum by way of penalty, as follows:—

(2) If such certificate is not taken out before the first day of Hilary Term, the further sum of \$6; if not before the first day of Easter Term, the further sum of \$9; and, if not before the first day of Trinity Term, the further sum of \$12. R. S. O. 1877, c. 140, s. 19.

**20.** If a Solicitor, or any member of a firm of Solicitors, either in his own name or in the name of any member of his firm, practises in the High Court, without such certificate being taken out by him, and by each member of his firm, he shall forfeit the sum of \$40, which forfeiture shall be paid to the Law Society for the uses thereof, and may be recovered in the High Court. R. S. O. 1877, c. 140, s. 20.

**21.** If a Solicitor practises in the High Court or in a County Court without such certificate in each and any year of his practice he shall be liable to be suspended by order of the High Court from practice for such offence, 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 \$40, paid to the Law Society. R. S. O. 1877, c. 140, s. 21.

**22.**—(1) Each of the Registrars of the High Court and each Deputy Clerk of the Crown and Pleas, and each Deputy Registrar, when the said offices are not held by the same person, shall, at the commencement of each year, make out a list of the names of every Solicitor who by the papers or proceedings filed or had in their respective offices appears to have practised as such Solicitor at any time during the preceding year ending with the thirty-first day of December.

(2) Each of the said officers 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. R. S. O. 1877, c. 140, ss. 22, 23.

**23.** In case a 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 Solicitor any action in any Court, nor act in any matter in bankruptcy or insolvency; and any Solicitor so practising, and any 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 Solicitor shall be incapable of maintaining any action for the recovery of any fee, reward or disbursement for or in respect of any matter or thing done by him, whilst a prisoner as aforesaid, in his own name or in the name of any other Solicitor. R. S. O. 1877, c. 140, s. 24.

**24.** In case a Solicitor wilfully and knowingly acts as the professional agent of any person not duly qualified to act as a Solicitor, or suffers his name to be used in any such agency on account of or for the profit of an unqualified person, or sends any process to such person, or does any other act to enable such person to practise in any respect as a Solicitor, knowing him not to be duly qualified, and in case complaint is made thereof in a summary way to the High Court, and proof is made upon oath to the satisfaction of the Court, the Solicitor so offending may, in the discretion of the Court, be struck off the Roll, and disabled from practising as such 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. R. S. O. 1877, c. 140, s. 25.

**25.** The High Court may strike the name of any Solicitor off the Roll of Solicitors of the Court, for default by him in payment of moneys received by him as a Solicitor. R. S. O. 1877, c. 140, s. 26.

**26.** In case any person, unless himself a plaintiff or defendant in the proceeding, commences, prosecutes or defends in his own name, or that of any other person, any action or proceeding, without being admitted and enrolled as afore-

said, 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. R. S. O. 1877, c. 140, s. 27.

**27.** No Solicitor shall practise in any Court 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, Registrar of any Division of the High Court, Deputy Clerk of the Crown and Pleas, 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 \$2,000 to be recovered in an action in the High Court, to the use of Her Majesty; but nothing herein contained shall extend to any Local Master or Deputy Registrar of the High Court, who is not a Deputy Clerk of the Crown and Pleas. R. S. O. 1877, c. 140, s. 28.

**28.** No Solicitor shall practise in any of the Courts of 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. R. S. O. 1877, c. 140, s. 29.

**TIME LIMITED FOR STRIKING A SOLICITOR OFF THE ROLL.**

**29.** 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 enrolment. R. S. O. 1877, c. 140, s. 30.

**PROCEEDINGS IF STRUCK OFF THE ROLL.**

**30.** Where a Solicitor is struck off the Roll of the High Court, the Registrar of the Division of the High Court in which the order is made shall certify the same under his hand and the seal of the Court to the Secretary of the Law

Society, stating whether such Solicitor was struck off at his own request or otherwise, and the Secretary shall attach the certificate to the certified copy of the Roll on which the name of such person stands, and shall, in the book to be kept by him as aforesaid, make a note opposite the name of such person of his having been struck off such Roll. R. S. O. 1877, c. 140, s. 31.

#### SOLICITOR'S COSTS.

**31.** No action shall be brought for the recovery of fees, charges or disbursements, for business done by a Solicitor as such, until one month after a bill thereof, subscribed with the proper hand of such 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 has been enclosed in or accompanied by a letter subscribed in like manner, referring to such bill. R. S. O. 1877, c. 140, s. 32.

**32.** Upon the application of the party chargeable by such bill within the month, the High Court or a Judge thereof, or a 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 the bill was done, and the Court or Judge making such reference shall restrain the bringing any action for such demand pending the reference. R. S. O. 1877, c. 140, s. 33.

**33.** 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 action for such demand pending the reference. R. S. O. 1877, c. 140, s. 34.

**34.** 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. R. S. O. 1877, c. 140, s. 35.

**35.** In case either party to 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. R. S. O. 1877, c. 140, s. 36.

**36.** 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. R. S. O. 1877, c. 140, s. 37.

*So much of the 35th and 36th sections of the Act respecting solicitors as relate to the costs of the reference are hereby repealed, and such costs shall hereafter be in the discretion of the Court or Judge, or of the taxing officers, subject to appeal. (58 Victoria, c. 13, s. 37.)*

**37.** Such officer may certify specially any circumstances relating to the 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. R. S. O. 1877, c. 140, s. 38.

**38.** In case the 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. R. S. O. 1877, c. 140, s. 39.

**39.** Where no bill has been delivered, sent or left as aforesaid, and where the 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 Solicitor, his assignee or representatives, in the same manner as has heretofore been done in cases where any such business has been transacted in the Court in which such order was made. R. S. O. 1877, c. 140, s. 40.

**40.** 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 enclosed in or accompanied by such letter aforesaid, was delivered, sent or left in manner aforesaid; but the other party may show that the bill so delivered, sent or left, was not such a bill as constituted a *bonâ fide* compliance with this Act. R. S. O. 1877, c. 140, s. 41.

**41.** A Judge of the High Court 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 a 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. R. S. O. 1877, c. 140, s. 42.

**42.** Where any person not being chargeable as the principal party is liable to pay or has paid any bill either to the Solicitor, his assignee or representative, or to the principal party entitled thereto, the person so paying, his assignee or representative, may make the like application for a reference thereof to taxation as the party chargeable therewith, might himself have made, and in like manner, and the same proceedings shall be had thereupon, as if the application had been made by the party so chargeable. R. S. O. 1877, c. 140, s. 43.

**43.** 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. R. S. O. 1877, c. 140, s. 44.

**44.** For the purpose of such reference upon the application of the person not being the party chargeable, or of a party interested as aforesaid, the Court or Judge may order the 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. R. S. O. 1877, c. 140, s. 45.

**45.** 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 re-taxation thereof. R. S. O. 1877, c. 140, s. 46.

**46.** 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 the Court or Judge appear to require the same, upon such terms and subject to such directions as to the Court or Judge seem right. R. S. O. 1877, c. 140, s. 47.

**47.** 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 the 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 an officer; and he shall return the bill, with his opinion thereon, to the officer who so requests him to tax the same. R. S. O. 1877, c. 140, s. 48.

**48.** 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 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 order 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. R. S. O. 1877, c. 140, s. 49.

## JUDGES MAY MAKE RULES.

**49.** The Judges of the Supreme Court may, from time to time, in accordance with the provisions of *The Judicature Act*, make such General 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. R. S. O. 1877, c. 140, s. 50.

**50.**—(1) Any such general rule may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business; or by a gross sum; or by a fixed sum for each document prepared or perused, without regard to length; or in any other mode, or partly in one mode and partly in another, or others; and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following among other considerations, namely: the position of the party for whom the Solicitor is concerned in any business, that is whether as vendor or as purchaser, lessor or lessee, mortgagor or mortgagee, and the like; the place, district and circumstances at or in which the business or part thereof is transacted; the amount of the capital money or of the rent to which the business relates; the skill, labour and responsibility involved therein on the part of the Solicitor; the number and importance of the documents prepared or perused, without regard to length; and the average or ordinary remuneration obtained by Solicitors in like business at the passing of this Act.

(2) As long as such [general rule is in operation, the taxation of bills of costs of Solicitors shall be regulated thereby. 49 V. c. 20, s. 22.

**51.**—(1) With respect to any business to which the preceding section relates, whether any general rule under this Act is in operation or not, it shall be competent (subject to the provisions hereinafter mentioned) for a Solicitor to make an agreement with his client, and for a client to make an agreement with his Solicitor, before or after, or in the course of the transaction of such business, for the remuneration of the Solicitor, to such amount, and in such manner as the Solicitor and the client think fit, either by a gross sum, or by commission or percentage, or by salary or otherwise; and it shall be competent for the Solicitor to

accept from the client, and for the client to give to the Solicitor, remuneration accordingly.

(2) The agreement shall be in writing, signed by the person to be bound thereby, or by his agent in that behalf.

(3) The agreement may, if the Solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include, or shall not include all or any disbursements made by the Solicitor in respect of searches, plans, travelling fees or other matters.

(4) The agreement may be sued and recovered on, or impeached and set aside, in the like manner and on the like grounds as an agreement not relating to the remuneration of a Solicitor, and if, under any order for taxation of costs, such agreement being relied upon by the Solicitor shall be objected to by the client as unfair and unreasonable, the taxing master or officer of the Court may enquire into the facts, and certify the same to the Court; and if, upon such certificate, it shall appear to the Court or Judge that just cause has been shewn either for cancelling the agreement, or for reducing the amount payable under the same, the Court or Judge shall have power to order such cancellation or reduction, and to give all such directions, necessary or proper for the purpose of carrying the order into effect, or otherwise consequential thereon, as to the Court or Judge may seem fit.

(5) "Client," for the purposes of this section, includes any person who, as a principal, or on behalf of another or as trustee or executor, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a Solicitor, and any person for the time being liable to pay to a Solicitor for his services any costs, remuneration, charges, expenses or disbursements. 49 V. c. 20, s. 23.

**52.** In the absence of any general rule, and so far as any such general rules do not apply, the taxing officer in taxing any bill for preparing and executing any deed under chapters 105, 106 and 107, of these Revised Statutes, in estimating the proper sum to be charged therefor, shall consider not the length of such deed, but the skill and labour employed and responsibility incurred in the preparation thereof. R. S. O. 1877, c. 102, s. 5.

*It is hereby declared that sections 49 to 52 of the Act respecting Solicitors were intended to apply and do apply to all business by Solicitors connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing. (58 Victoria, c. 13, s. 38.)*

PRESENT PRACTICE AS TO ADMISSIONS NOT ALTERED.

**53.** Nothing in this Act contained shall interfere with the present practice as to the admission of Solicitors, nor with the jurisdiction over them as officers of Court. R. S. O. 1877, c. 140, s. 51.

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54 VICT., CHAP. 25.

An Act to amend the law as to Barristers and Solicitors in certain cases.

[Assented to 4th May, 1891.]

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

1. Any person who is, has been or shall be Minister of Justice of Canada, if not already a member of the Bar of Ontario, shall be entitled to be called to the Bar by the Benchers of the Law Society of Upper Canada, without complying with any of the rules or regulations of the Society as to admission on the books of the Society, examinations, payment of fees or otherwise, and shall thereupon be entitled to practise at the Bar in Her Majesty's Courts in Ontario.

2. The Benchers of the Law Society may, in their discretion, grant to any person who has been called by the Law Society to the degree of Barrister-at-Law prior to the first day of January, 1891, and who passes the usual examination prescribed for admission to practise as a Solicitor, and who pays the usual fees in that behalf, a certificate under the corporate seal of the Society of his fitness and capacity, and that he is in all respects duly qualified to be admitted as a Solicitor, and upon the production of such certificate to one of the Judges of the High Court, and his fiat of admission being endorsed thereon, the High Court may cause such person to be admitted and enrolled as a Solicitor, as provided in section 11 of the Act respecting Solicitors.

## 55 VICT., CHAP. 32.

An Act to Provide for the Admission of Women  
to the Study and Practice of Law.

[Assented to 14th April, 1892.]

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

1. The Law Society of Ontario may in its discretion make rules, providing for the admission of women to practice as Solicitors.

## 57 VICT., CHAP. 44.

An Act respecting the admission of Barristers as  
Solicitors and respecting the Call of Solicitors  
to the Bar.

[Assented to 5th May, 1894.]

**W**HEREAS there are divers Barristers in this Province who have not been admitted as Solicitors, and are entitled to such admission on furnishing certain proofs, passing an examination, and paying certain special fees; and whereas rules and regulations of the Law Society, passed in Easter Term, 1889, prescribe that Students-at-Law and Articled Clerks pursue the same course of study and pass the same examinations as conditional to Call to the Bar, or admission as Solicitor; and whereas prior to the making of these rules and regulations certain Solicitors had passed the examinations required under the Solicitors' Act, and were duly admitted and enrolled as Solicitors, and have been in actual practice as such, but have not since taken the steps necessary for Call to the Bar; and whereas the rules and regulations of the Law Society further prescribe that Solicitors in good standing and in actual practice for ten years prior to the making of the rules and regulations first aforesaid are eligible to be called to the Bar on furnishing certain proofs, passing the examination, and paying certain special fees; and whereas it is expedient to make the provisions hereinafter contained in respect of the said fees and examinations and in respect of Students and Articled Clerks, to whom the said rules

and regulations of Easter Term, 1889, as to examinations do not apply ;

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

**1.** Any person who, before the passing of this Act, has been duly called to practice at the Bar of Ontario, and has or shall have practised as a Barrister in this Province for the periods respectively hereinafter mentioned, may be admitted and enrolled as a Solicitor under the *Act respecting Solicitors* on the terms and conditions hereinafter mentioned.

**2.** Where such Barrister shall, previous to the time of filing his application for Certificate of Fitness, have been in actual practice for ten years or more, he shall be entitled to such certificate without any examination.

**3.** Where such Barrister shall, previous to the time of filing his application for Certificate of Fitness, have been in actual practice for five years or more but not for ten years, he shall be entitled to the certificate on passing such examination as may be prescribed by the Law Society for such cases, and shall have not to attend the Law School.

**4.**—(1) Notice of the intention of Candidates to apply for Certificate of Fitness under the provisions of this Act shall be sufficient, if written notice be given to the Secretary of the Law Society as in ordinary cases of Students-at-Law for Call ; and the application for Certificate of Fitness shall be signed by a Barrister practising in the county or district in which such Candidate resides, who shall certify that the Candidate is, in the opinion of such Barrister a fit and proper person to be admitted and enrolled as a Solicitor. No notice in the *Ontario Gazette* or any newspaper shall be necessary.

(2) Every such Barrister before obtaining his Certificate of Fitness to be admitted and enrolled as a Solicitor, shall be liable to pay such fees only as are payable by an Articled Clerk in ordinary cases on his being admitted as a Solicitor.

**5.** Any person who, before the passing of this Act, has been duly admitted and enrolled as a Solicitor of the Supreme Court of Judicature for Ontario, and has or shall

have practised as a Solicitor in this Province for the periods respectively hereinafter mentioned, may be admitted to practise at the Bar in Her Majesty's Courts in Ontario on the terms and conditions hereinafter mentioned.

**6.** Where such Solicitor shall, previous to the time of filing his application for Call, have been in actual practice for ten years or more he shall be entitled to be called to the Bar without further examination.

**7.** Where such Solicitor shall, previous to the time of filing his application for Call, have been in actual practice for five years or more, but not for ten years, he shall be entitled to be called on passing such examination as may be prescribed by the Law Society for such cases, and shall not have to attend the Law School.

**8.**—(1) Notice of the intention of Candidates to apply for Call under the provisions of this Act shall be sufficient if written notice be given to the Secretary of the Law Society as in ordinary cases of Students-at-Law for Call; and the notice of presentation to Convocation shall be signed by a Barrister practising in the county or district in which such Candidate resides, and shall certify that the Candidate is, in the opinion of such Barrister, a fit and proper person to be called to the Bar. No notice in the *Ontario Gazette* or elsewhere shall be necessary.

(2) Every such Solicitor before being called to the Bar shall be liable to pay such fees only as are paid on the Call to the Bar in ordinary cases.

**9.** For the purpose of this Act, any Solicitor holding any of the offices in the High Court mentioned in section 27 of the revised *Act respecting Solicitors* shall be deemed to have been in actual practice within the meaning of this Act while holding such office.

**10.** Notices given by Candidates of intention to apply for Call during Easter Term, 1894, in accordance with the existing rules of the Law Society, shall be held applicable as notices of intention to apply for Call during such Term under this Act.

## 58 VICT., CHAP. 27.

An Act to amend the Act to provide for the admission of women to the study and practice of Law.

[Assented to 16th April, 1895.]

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

1. Section 1 of the *Act to provide for the admission of women to the Study and Practice of Law* is amended by inserting before the word "solicitors" in the third line thereof the words "barristers-at-law and."

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THIS INDENTURE, made the twentieth day of June, in the year of our Lord one thousand eight hundred and forty-six,

BETWEEN

“THE LAW SOCIETY OF UPPER CANADA,”

*Of the First Part,*

AND

OUR SOVEREIGN LADY THE QUEEN,

*Of the Second Part.*

WHEREAS by a certain Act of the Legislature of the Province of Canada, passed in the ninth year of the reign of our said Sovereign Lady the Queen, intituled An Act to Provide for the Accommodation of the Courts of Superior Jurisdiction in Upper Canada, it is enacted that there be granted to Her Majesty the sum of £6,000, to be raised by debentures in manner thereinafter mentioned, to enable Her Majesty to pay that sum to The Law Society of Upper Canada so soon as that Society should enter into a covenant to the satisfaction of the Governor-in-Council to provide fit and proper accommodation for the Superior Courts of Law and Equity for all time to come at the seat of the said Society without further charge and expence to this Province, as by the said Act of the Legislature, reference being thereto had, will fully and at large appear;

AND WHEREAS the said Law Society of Upper Canada, in pursuance of arrangements entered into with Her Majesty's Government, have provided fit and proper accommodation for the Superior Courts of Law and Equity at the seat of the said Society, and the said Superior Courts are now held in the building so provided by the said Society, and under the authority of the said Act of the Legislature Her Majesty's Government have agreed to pay the said sum of £6,000 to the said Law Society of Upper Canada on the conditions aforesaid;

NOW THIS INDENTURE WITNESSETH that the said Law Society of Upper Canada, in consideration of the premises and of the said sum of £6,000 of lawful money of Canada to them paid at the time of the execution of these presents by the said Our Sovereign Lady the Queen, under the provisions of the said Act of the Legislature, the receipt whereof is hereby acknowledged, do hereby for themselves

and their successors, covenant, promise and agree to and with our said Sovereign Lady the Queen, her heirs and successors, in manner following, that is to say, that they the said Law Society of Upper Canada and their successors do and shall from time to time and at all times hereafter, well, faithfully and sufficiently find and provide at their own costs and charges, and without further charge and expense to the said Province, fit and proper accommodation for the Superior Courts of Law and Equity for all time to come at the seat of the said Society, according to the true intent and meaning of the said Act of the Legislature in that behalf, and of these presents.

IN WITNESS WHEREOF the said Law Society of Upper Canada have hereto set and affixed their seal of Incorporation the day and year first above written.

(Sd.) ROBERT S. JAMESON,  
*Treasurer.*

[SEAL]

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## DEED OF SURRENDER.

THE LAW SOCIETY TO HER MAJESTY.

Approved,  
(Signed.) J. G. SCOTT.

THIS INDENTURE made the First day of July, in the year of our Lord, One Thousand Eight Hundred and Seventy-four.

BETWEEN the Law Society of Upper Canada of the First Part

AND Her Majesty the Queen of the Second Part: WITNESSETH, WHEREAS the Legislative Assembly of the Province of Ontario at its last Session passed a resolution approving of the cancellation by His Excellency, the Lieutenant-Governor of the Province of Ontario, if he should see fit, of the existing agreement dated the Twentieth day of June, in the year of our Lord, One Thousand Eight Hundred and Forty-six, BETWEEN the Law Society of Upper Canada and the Government of the late Province of Canada, which resolution is as follows: "That this

House approves of the cancellation by His Excellency the Lieutenant-Governor, if he shall see fit, of the existing agreement dated 20th June, 1846, between the Law Society of Upper Canada and the Government of the late Province of Canada, such cancellation to be on the condition that the said Society surrender to Her Majesty the buildings and lands belonging to the said Society, now used for the accommodation of the Superior Courts, namely, the Centre part and the West Wing of the building in the City of Toronto, known as Osgoode Hall, with the land upon which the said building stands, the land North and West of the said Centre building and West Wing, and the roadway South of the said land, and on further condition that no building or erection be put up on the land retained by the said Society, and forming part of the Osgoode Hall property, except for the use or occupation of the said Society, and that no building or erection be put up for the use or occupation of the said Society without first obtaining the approval of the Lieutenant-Governor in Council, due provision to be made for securing all rights of way or passage which the Lieutenant-Governor shall deem necessary or proper the land so surrendered by the Society not to be built upon, except for purposes connected with the Superior Courts and the offices relating thereto. The Law Society to have the control of the rooms known as the Library and the Benchers, Barristers and Secretary's rooms. The Society to enter into covenants for keeping the grounds connected with Osgoode Hall in proper order and condition at the expense of the Society, and the cancellation to be subject to such other terms and conditions as His Excellency shall deem proper for carrying out of the said objects.

AND WHEREAS, these presents are executed, made, and delivered and entered into, accepted, received and taken as a compliance with, and a full performance of the conditions in said resolution.

NOW THIS INDENTURE, WITNESSETH, that the said Law Society of Upper Canada, grant, surrender and yield up unto Her Majesty the Queen and her successors.

ALL AND SINGULAR, that certain piece or parcel of land, being part of the front or south part of park lot number eleven in the first concession from the bay formerly in the Township of York now in the City of Toronto, better known and described as follows, that is to say: Com-

mencing at a point on the South side of Osgoode Street, in said City of Toronto, where the East side of University Street intersects the same; thence Easterly along the Southerly limit of Osgoode Street, a distance of three hundred and fifty-one feet and four inches; thence Southerly in a line parallel with University Street, two hundred and fifty-eight feet and two inches; thence Easterly on a line parallel with Osgoode Street, twenty-three feet and five inches; thence Southerly on a line parallel with University Street, twenty-two feet two inches; thence Westerly on a line parallel with Osgoode Street, thirty-one feet; thence Southerly on a line parallel with University Street, eighty-two feet and three inches; thence Westerly on a line parallel with Osgoode Street, three hundred and forty-two feet and eight inches, more or less, to a point on the East side of University Street; thence Northerly along the East limit of University Street to the place of beginning, together with the building erected thereon, the said lands, premises and buildings hereinbefore particularly described by metes and bounds, being known as the buildings and lands belonging to the said Society, and at the time of passing of the said resolution, and now used for the occupation accommodation of the Superior Courts, namely, the Centre part and the West Wing of the building, in the City of Toronto, known as Osgoode Hall, with the lands on which the said Centre building and West Wing and the roadway south of the said land, subject, however, to the reservation by the said Law Society of the free and exclusive use by them of the rooms in the said building, now commonly known as the Library, the room off the North-west corner of the Library, commonly known as the Librarian's room, otherwise called the Secretary's room, and the free and unrestricted right of ingress, egress and regress to, in and from such Library, Benchers and Librarian's rooms as now used and enjoyed, and subject to the further reservation to the said Society and their successors from time to time, and at all times forever hereafter to have the free use and enjoyment of the said ways approaching to such buildings, and to go, return, pass and repass with horses, waggons and other carriages laden or unladen, on, through, along and over said roadways at all times hereafter.

AND the said Law Society of Upper Canada do hereby for themselves and their successors covenant, promise and agree with Her Majesty the Queen, her heirs and successors in manner following, that is to say:

“That the said Law Society and their successors will from time to time, and at all times hereafter, and at their own costs and expenses, repair and amend, and keep repaired and amended in a proper, substantial and workmanlike manner all the roads, ways and foot paths in the block of land commonly known as the Osgoode Hall block, a parcel whereof is hereby granted and surrendered, and the gates by which such roads, ways or foot paths are entered, and the locks and fastenings thereto belonging, whether the same are upon the land hereby granted or upon the portion of the block retained, and that the public shall, at all proper times and seasons, have access to such buildings before mentioned, and for such purpose to go, return, pass and repass over such roads, ways or foot paths as are upon the said portion of the said block retained as aforesaid, and through such gates upon such last mentioned portions at all times hereafter, forever, and shall also have the like liberty to go, return, pass and repass over such roads, ways and foot paths as are or may be made upon the portion hereby surrendered, and through the gates that are or may be thereon, as long as the same are left under the control or care of the said Law Society.”

And that the said Law Society will from time to time, and at all times hereafter, at the like costs and expenses of the said Society and their successors, repair and renew, and keep repaired and renewed, and put and keep in order the trees and shrubbery and grass upon said Osgoode Hall block, so that the same shall continue in as ornamental a condition as they now are. And will not erect, or cause to be erected, or allow to be erected on the said residue of the said land and premises, or portions of the said Osgoode Hall block, retained by the said Society as aforesaid, any building or buildings, except such as may be required for the purposes and accommodations of said Law Society; nor shall erect, or attempt, or commence to erect any such building or buildings without first obtaining therefore the approval of the Lieutenant-Governor of the Province of Ontario in Council.

And the said Law Society grants unto Her Majesty, her heirs and successors forever, hereafter the free use and enjoyment in common with the said Society of the coal bins and yard room now used in connection with the engine room of the said Society, for the purpose of storing wood and coal, and ingress and egress thereto.

IN WITNESS whereof, the parties hereto have affixed their respective Seals, namely, the Great Seal of the Province of Ontario and the Seal of the Law Society of Upper Canada, the day and year first written.

Witness :  
 "FRANK J. MADILL." }

"J. HILLYARD CAMERON,"  
*Treasurer.* [L.S.]

DEED BETWEEN THE QUEEN AND THE LAW  
 SOCIETY OF UPPER CANADA.

I certify that the within instrument is duly entered and registered in the Registry Office for the city of Toronto in Book 26 for Centre West Toronto, at 2.55 o'clock p.m. of the 26th day of February, A.D. 1886.

(Signed.) WM. BENNETT,  
*Deputy Registrar.*

PROVINCE OF ONTARIO. [SEAL].

(Signed) OLIVER MOWAT,  
*Attorney-General.*

(Signed) JOHN BEVERLEY ROBINSON.

THIS INDENTURE made this 26th day of November, in the year of our Lord, One Thousand Eight Hundred and Eighty-five.

BETWEEN

THE LAW SOCIETY OF UPPER CANADA, of the first part,  
 And

HER MAJESTY THE QUEEN, of the second part.

WHEREAS under and by virtue of a certain Deed of Surrender dated on the First day of July, in the year of our Lord, One Thousand Eight Hundred and Seventy-four, made between the said Law Society of Upper Canada of the first part, and Her Majesty the Queen of the second part, the said Law Society of Upper Canada did grant, surrender, and yield up unto Her Majesty the Queen and

her successors certain portions of grounds and buildings known as the Centre Part and West Wing of the buildings in the City of Toronto, known as Osgoode Hall, with the land upon which the said building then stood and now stands, and the land North and West of the said Centre building and West Wing and the roadway South of the said land described by metes and bounds as therein is set forth and contained.

AND WHEREAS since the execution of the said Deed of Surrender it has been ascertained that the boundary line which was thereby described between that portion of the said buildings and land thereby granted and surrendered to Her Majesty as aforesaid, and the portion which was retained or intended to be retained by the said Law Society, was inaccurately defined having regard to the intention of the parties to the said Deed and having regard to the position of said buildings upon the said lands.

AND WHEREAS a new Boiler House having been built it has also been agreed that the old Boiler House shall be granted to the Law Society, subject, however, to the Agreement hereinafter contained in reference thereto.

AND WHEREAS it has been agreed that a Deed of Rectification and Confirmation shall be executed which shall convey to each of the said parties the several parts of the said Osgoode Hall buildings and grounds, upon which it has been agreed by the parties should be granted and held by either party hereto (which said parts or portions may be conveniently explained or understood by reference to the plan or sketch hereunder drawn), and in order to rectify the inaccuracy of the description in the said before in part recited Deed and Surrender and these presents are executed in pursuance of the said Agreement.

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the sum of One Dollar paid to the said Law Society by the Treasurer of Ontario; the said Law Society doth hereby grant, surrender, yield up, and confirm to Her Majesty and her successors.

ALL AND SINGULAR that certain parcel or tract of land and premises being composed of part of Park Lot Eleven, in the City of Toronto, and which may be more particularly known and described as follows, that is to say: Commencing where the South limit of Osgoode Street, in the said City of Toronto intersects the East limit of University

Street, thence Easterly along the Southerly limit of Osgoode Street a distance of three hundred and fifty-three feet ten inches, thence Southerly parallel with University Street two hundred and fifty-four feet eleven inches to the North face of the wall of the old Boiler House, thence Westerly eight feet more or less to the face of the wall of the main building of Osgoode Hall, thence Southerly along the said face of the said wall twenty-two feet to the face of the Northerly wall of the old East Wing of Osgoode Hall, thence Westerly along the said face one foot one inch to the North-west angle of the said East Wing, thence Southerly along the Westerly line of the wall of the East Wing four feet five inches to the face of the Southerly wall of the main building, thence Westerly and along the said face two feet six inches, thence Southerly parallel with University Street eighty-one feet three inches, thence Westerly parallel with Osgoode Street to University Street, thence Northerly along the Easterly limit of University Street to the place of beginning.

TOGETHER with the buildings erected thereon the said lands, premises and buildings hereinbefore particularly described by metes and bounds, being known as the buildings and lands belonging to the said Society, and at the time of passing of the Resolution hereinafter mentioned and now used for the accommodation of the Superior Courts, namely, the Centre Part and the West Wing of the building in the City of Toronto, known as Osgoode Hall with the land on which the said building stands the land North and West of the said Centre building and West Wing and the roadway South of the said land.

SUBJECT, however, to the reservation by the said Law Society of the free and exclusive use by them of the rooms in the said building now commonly known as the Library, the room off the North-west corner of the Library commonly known as the Bencher's Room, the room off the North-east corner of the Library commonly known as the Librarians' Room otherwise called the Secretary's Room, and the free and unrestricted right of ingress, egress and regress to in and from such Library, Bencher's, and Librarian's Rooms as now used and enjoyed.

AND SUBJECT to the further reservation to the said Society and their successors from time to time, and at all times forever hereafter to have the free use and enjoyment of the roadways approaching to such buildings and to go,

return, pass and repass with horses, waggons, and other carriages, laden or unladen, on, through, along, and over said roadways at all times hereafter.

AND THIS INDENTURE FURTHER WITNESSETH that Her Majesty doth hereby grant and confirm to the said Law Society of Upper Canada and their successors the following lands, that is to say : Commencing on the South limit of Osgoode Street in the said City of Toronto at a point distant three hundred and fifty-three feet ten inches measured Easterly from the East limit of University Street, thence Southerly parallel with University Street two hundred and fifty-four feet eleven inches to the North face of the wall of the old Boiler House, thence Westerly eight feet more or less to face of wall of main building of Osgoode Hall, thence Southerly along the said face of the said wall twenty-two feet to the face of the Northerly wall of the old East Wing of Osgoode Hall, thence Westerly along the said wall one foot one inch to the North-west angle of the said East Wing, thence Southerly along the Westerly line of the wall of the East Wing four feet five inches to the face of the Southerly wall of the main building, thence Westerly along the said Southerly face two feet six inches, thence Southerly parallel with University Street eighty-one feet three inches, thence Westerly parallel with Osgoode Street to the East side of University Street, thence Southerly along the East side of University Street to the North side of Queen Street, thence Easterly along the North side of Queen Street to the West side of Chestnut Street, thence Northerly along West side of Chestnut Street to the South side of Osgoode Street, thence Westerly along the South side of Osgoode Street to the place of beginning, together with all buildings thereon erected.

AND the said Law Society for itself, its successors, and assigns hereby covenants with Her Majesty and Her successors that if at any time hereafter the said Boiler House is destroyed by fire that the said Society will convey to Her Majesty and her successors that part of the land on which the said Boiler House is built lying West of the continuation Southerly to the face of the Northerly wall of said East Wing of the line hereinbefore mentioned which may be more particularly described as follows that is to say : Commencing at a point on the North side of the old Boiler House where it is intersected by a line drawn

Southerly through a point on the South limit of Osgoode Street parallel with University Street distant three hundred and fifty-three feet ten inches Easterly from the East limit of University Street, thence from the point of commencement still Southerly parallel with University Street fourteen feet six inches to the South side of said old Boiler House, thence Westerly along said South side of Boiler House eight feet to the East face of the East wall of the main building, thence Northerly along said East face fourteen feet six inches to the intersection of the North side of old Boiler House, thence Easterly along said side eight feet more or less to the place of beginning.

AND WHEREAS under an Agreement dated on or about the Twentieth day of June, One Thousand Eight Hundred and Forty-six, between the said Law Society of Upper Canada and the Government of the late Province of Canada; the said Law Society did covenant to find and provide accommodation for the Superior Courts of Law and Equity.

AND WHEREAS the Cancellation of the said Covenant was approved by a Resolution of the Legislative Assembly of the Province of Ontario passed in the Session of the said Assembly held in the year One Thousand Eight Hundred and Seventy-three.

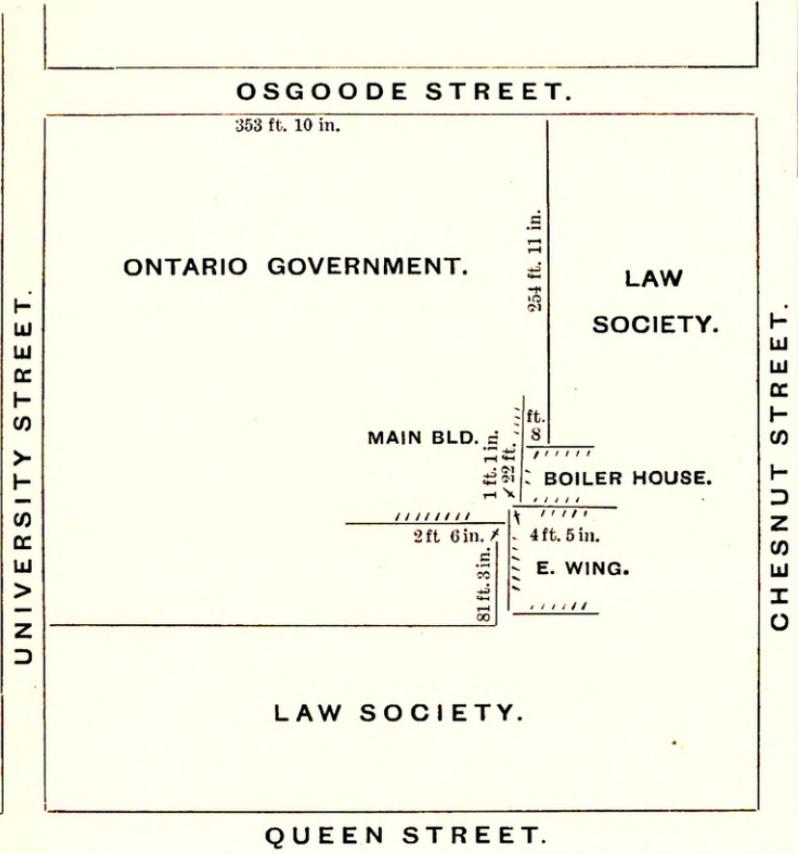
NOW THIS INDENTURE FURTHER WITNESSETH that for good and valuable considerations fully satisfied, Her Majesty the Queen doth release the Law Society of Upper Canada from the performance or observance of the said Covenant and from every obligation therein contained and from all liability thereunder whether in the past, in the present, or in the future.

IN WITNESS WHEREOF the parties to these presents have affixed their Seals, namely, the Great Seal of the Province of Ontario, and the Seal of the Law Society of Upper Canada the day and year first above written.

(Signed) EDWARD BLAKE,  
*Treasurer.*

(Signed) J. H. ESTEN,  
*Secretary, L. S.*

{ Law Society }  
Seal.  
{ J. H. E. }



ORDER-IN-COUNCIL APPROVED BY HIS HONOUR  
THE LIEUTENANT-GOVERNOR THE 24<sup>TH</sup> DAY  
OF NOVEMBER, A.D. 1894.

Upon the recommendation of the Honourable the Commissioner of Public Works the Committee of Council advise that the proposed extension of the Library at Osgoode Hall by the Law Society be approved of, such extension to be in accordance with the accompanying plans, and subject to the terms and conditions expressed and contained in the Deed of Surrender by the said Society to Her Majesty, dated 1st July, 1874, and the Deed of Rectification, dated 26th November, 1885.

Certified.

J. LONSDALE CAPREOL,  
*Assistant Clerk Executive Council.*

The plans attached to this Order-in-Council are the plans prepared by the architect of the Society and provide for the extension of the Library by the addition of the room to the west of the Main Library.

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LETTER FROM THE CHAIRMAN OF THE  
LIBRARY EXTENSION BUILDING  
COMMITTEE TO THE HON.  
THE COMMISSIONER OF  
PUBLIC WORKS.

—•••—  
TORONTO, 6th November, 1894.

THE HON. WM. HARTY,  
*Commissioner Public Works,*  
PARLIAMENT BUILDINGS,  
TORONTO.

DEAR SIR,—Referring to our conversation of to-day with reference to the proposed extension of the Library at Osgoode Hall, I beg to say that Mr. Tully will receive from Mr. Burke, the Law Society's architect, contemporaneously with this, sketch copies of the plans showing the proposed extension and the structural alterations involved in the work.

I beg further to submit copies (pp. 65 to 70 inclusive, of enclosed pamphlet), of the existing deeds between the Government of the Province and the Law Society, under which, while surrendering the property to the Province, the Law Society reserved the free and exclusive use of certain rooms, including the present Library. This reservation I have marked in the original deed of surrender at p. 66, and also in the deed of confirmation at p. 68.\*

What I have to suggest with regard to the proposed extension indicated by the plans is that this extension should, by appropriate words, be brought within the reservation contained in the two deeds; and that the rights

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\* These deeds are, in the present volume, to be found at pages 131 to 140 inclusive.

and obligations of the Province and of the Law Society respectively, with regard to the rooms in the building embraced in the reservation, should, from and after the completion by the Society of the proposed extension, become operative and applicable with regard also to the extension, and the room or space embraced within its limits.

I have further to suggest, with regard to the heating of the extension when completed, that the Government should, as is now the case with the Library, permit the connection of the fixtures placed by the Society in the extension for that purpose with the existing heating system, which is, I understand, entirely under Government control, and should supply the heat ; and that the Society should pay therefor such annual or other periodical sum in addition to what the Society now pays, as may from time to time be fixed by the architect placed in charge by the Government.

If these suggestions meet your approval, the Society would be obliged by the early passing of an Order-in-Council authorizing the proposed work upon the terms suggested.

If a formal agreement be considered desirable, there can be no objection to that course being taken upon the basis of such Order-in-Council. In the meantime, however, as time is of much importance, I venture to ask the immediate concurrence of the Government in the work being done, should the conditions I have suggested be deemed proper.

I am, Sir,

Your obedient servant,

GEO. F. SHEPLEY,

*For the Committee.*



## INDEX TO THE RULES.

	RULE.
ACCOUNTS OF THE SOCIETY .....	66-70
ADMISSION OF SOLICITORS .....	201-207
"    STUDENTS— <i>See</i> STUDENTS.	
"    WOMEN TO PRACTISE .....	226
ANNUAL STATEMENTS .....	70
AUDIT .....	66
BANK OF SOCIETY .....	66, 67, 68
BARRISTERS— <i>See</i> CALL, FEES, etc.	
BENCHERS—	
Failure to Attend Meetings .....	18
Election of (Secretary's Duties) .....	59(4)
CALL TO BAR—	
Generally .....	186-200
Special Cases .....	219-222
CERTIFICATE OF FITNESS—	
Generally .....	201-207
Special Cases .....	223-225
Admission of Women .....	226
COMMITTEES—	
Standing Committees .....	28
Membership and Quorum .....	29
Sittings .....	30
Vacancies in .....	31
Journals Committee .....	8, 18, 19, 59 (2)
Finance Committee—	
Duties .....	26, 63, 64, 66
Estimates to be Submitted .....	65
Library Committee—Duties .....	71, 74, 75
County Libraries' Committee, Duties .....	77-97
Reporting Committee, Duties .....	98
Legal Education Committee .....	26, 129, 130, 151, 181, 182, 183
Discipline Committee, Duties .....	118-120
CONVOCAATION, MEETINGS OF—	
General, when Held .....	11, 12
Special, how Convened .....	11, 13
Quorum of Benchers .....	14, 15, 16
Adjourned .....	15
Costume of Benchers .....	17

	RULE.
COUNTY LIBRARIES AND ASSOCIATIONS .....	77-97
Formation of .....	77
Initiatory and Annual Grants .....	78, 79, 81, 82
Librarian's Salary and Telephone Service .....	80
Loans to .....	83
Inspection .....	84
Books for Students .....	85
Associations for Legal Studies .....	87-97
DISCIPLINE AND PENALTIES FOR UNPROFESSIONAL CONDUCT .....	118-127
EDITOR OF REPORTS—	
Appointment, Salary, etc. ....	37, 42, 43, 48
Duties of .....	103, 116
ESTIMATES, PREPARATION OF .....	65
EXAMINATIONS .....	176-186
EXAMINERS— <i>See</i> OFFICERS, LAW SCHOOL .....	37, 40, 43, 57
FEEs, RULES AS TO .....	227-233
FINES, FOR NOT TAKING OUT CERTIFICATES .....	230
FORMS, VARIOUS— <i>See</i> APPENDIX.	
GRADUATES—	
Admission as Students— <i>See</i> STUDENTS.	
Attendance at Law School— <i>See</i> STUDENTS.	
HONOURS, SCHOLARSHIPS, AND MEDALS .....	208-218
INTERPRETATION OF RULES .....	2
JOURNALS .....	59
JUDGES OF COUNTY COURT .....	27
LAW ASSOCIATIONS— <i>See</i> COUNTY LIBRARIES.	
LAW SCHOOL .....	151-175
Under Superintendence of L. E. Committees .....	151
Staff .....	152-154
Duties of Principal .....	155-156
“ Lecturers .....	153, 154, 157
“ Examiners .....	153, 154, 158, 159
Course, Lectures and Attendances .....	160-175
Examinations .....	176-185
Honours, Scholarships and Medals .....	208-218
LECTURERS— <i>See</i> OFFICERS, LAW SCHOOL, <i>also</i> .....	37, 41, 43, 56
LIBRARIAN .....	37, 54
“ ASSISTANT .....	37, 54
LIBRARY .....	71-76
Management of .....	71
Purchases of Books .....	74
Heating and Lighting .....	76
Regulations— <i>See</i> APPENDIX T.	

	RULE.
MILITARY COLLEGE, ROYAL, CADETS OF—	
Admission as Students (see Students) . . . . .	136-140
MINUTES—TO BE KEPT AND PUBLISHED . . . . .	59
OFFICERS OF SOCIETY . . . . .	37, 38
Tenure of Office . . . . .	39, 43
Appointment of . . . . .	44-46
No Claim to Retiring Allowance . . . . .	47
Salaries . . . . .	48-58
Secretary's Guarantee . . . . .	61
Secretary's Residence . . . . .	53
ORDER OF PROCEEDINGS . . . . .	21-25
PETITIONS, REFERENCE OF . . . . .	26
PRINCIPAL OF LAW SCHOOL— <i>See</i> LAW SCHOOL, <i>also</i> . . . . .	37, 42, 55
PROCEEDINGS—	
Order of . . . . .	21-25
Printing of Resumé of same . . . . .	19, 59
Minutes to be Read . . . . .	20
Minutes and Journals . . . . .	59
REPEAL OF RULES . . . . .	1
REPORTERS—	
Appointment, Salary, etc. . . . .	37, 42, 43, 49-52
Duties of . . . . .	103-117
REPORTS—	
Distribution of Society's Reports . . . . .	100-101, 110, 111
Distribution of Supreme Court Reports . . . . .	102
Duties of Editor and Reporters . . . . .	103-109, 112-117
ROLLS AND ARCHIVES . . . . .	6-9
RULES—	
Draft Readings . . . . .	24
Three Readings Necessary . . . . .	24
SALARIES OF OFFICERS . . . . .	48-58
SCHOLARSHIPS . . . . .	208-218
SEAL OF SOCIETY—	
Device . . . . .	4
Custody of . . . . .	5
SEAT OF SOCIETY . . . . .	3
SECRETARY, DUTIES OF . . . . .	6, 18, 37, 59, 60
Keeper of Rolls and Archives . . . . .	6
Ex officio, Sub-Treasurer . . . . .	37
Keeping and Publishing Minutes . . . . .	59
Salary and Residence . . . . .	53
Security to be given . . . . .	61
Report on Candidates for Call . . . . .	182

	RULE.
SERVICE .....	148-150, 186-189
SOLICITORS—	
Rules as to Fees .....	227-233
Entitled to Reports .....	101, 102
Misconduct of—Complaint and Investigation.....	118
Striking off Rolls.....	121-126
Suspension .....	121-123
Admission of, generally.....	201-207
“          special cases .....	223-225
Women, Admission of .....	226
STATUTES—See APPENDIX.	
STUDENTS—	
Admission of .....	128-147
Times of Admission .....	131, 147
Age of Candidates.....	132
Notice for Admission .....	133, 134, 141, 142
Graduates.....	135, 141
Cadets Royal Military College .....	136, 140, 187, 188
Matriculants .....	137, 138, 139, 140
Personal Attendance not Required .....	144
Fees and Papers.....	145, 146, 232
Attendance at Law School .....	162-175
SUPREME COURT REPORTS—	
Eight Copies for Osgoode Hall .....	99
What Solicitors entitled to.....	102
TERMS AND MEETINGS OF CONVOCATION—	
Days of Meeting .....	10, 11, 12
Special Meetings .....	13
Quorum.....	14, 15, 16, 118
Adjournment .....	15
Costume of Benchers .....	17
TREASURER—	
Election of ....	32
Chairman in Absence of .....	34, 35
Vacancy in Office .....	36
WOMEN—	
Rules for Admission to Practise as Solicitors.....	226

## INDEX TO STATUTES, ETC., AND FORMS.

	PAGE.
Forms A. to S. ....	56-73
Library Regulations. ....	74
Barristers' Oath. ....	76
Ordinance : 25 Geo. III. ....	77
Act for better regulating Practice of Law : 37 Geo. III., c. 13 .....	83
Act to repeal part of and amend "An Act for better regulating Practice of Law" : 2 Geo. IV., c. 5 .....	86
Act to amend the two foregoing Acts : 4 Wm. IV., c. 9 .....	88
Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada : 9 Vict., c. 33 .....	89
Act respecting Law Society of Upper Canada : R. S. O., 1887, c. 145 .....	92
Act respecting Barristers-at-Law : R. S. O., 1887, c. 146 .....	103
Act respecting Solicitors (with amendments) : R. S. O., 1887, c. 147. ....	106
Act to amend the law as to Barristers and Solicitors in certain cases : 54 Vict., c. 25 .....	125
Act to provide for the admission of women to Study and Practice of Law : 55 Vict., c. 32 .....	126
Act respecting admission of Barristers as Solicitors, and respecting Call of Solicitors to the Bar : 57 Vict., c. 44 .....	126
Act to amend the Act to provide for the admission of women to the Study and Practice of Law : 58 Vict., c. 27 .....	129
Agreement of 20th June, 1846 .....	130
Deed of Surrender, 1st July, 1874 .....	131
"    "    26th November, 1885 .....	135
Order-in-Council, 24th November, 1894 .....	141