

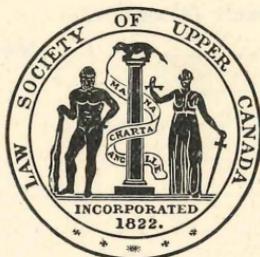
THE  
RULES  
OF  
THE LAW SOCIETY  
OF  
UPPER CANADA

---

PASSED IN CONVOCATION, JUNE 21ST, 1928.

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TOGETHER WITH  
THE LAW SOCIETY ACT  
THE BARRISTERS ACT  
AND  
THE SOLICITORS ACT  
AND AN INDEX



TORONTO

PRINTED FOR THE SOCIETY BY THE MONETARY TIMES PRINTING COMPANY, LTD.

1928

# LAW SOCIETY OF UPPER CANADA

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# LAW SOCIETY OF UPPER CANADA

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## VISITORS.

THE HONOURABLE THE JUDGES OF THE SUPREME COURT OF  
ONTARIO.

## BENCHERS.

HONOURARY BENCHER—HIS ROYAL HIGHNESS, EDWARD  
PRINCE OF WALES, [27th August, 1919].

## *Ex-Officio.*

UNDER THE LAW SOCIETY ACT, SECTION 5.

THE HONOURABLE WILLIAM HERBERT PRICE, K.C., Attorney-  
General for Ontario [18th October, 1926].

THE HONOURABLE ERNEST LAPOINTE, K.C., Minister of  
Justice and Attorney-General of Canada [22nd May,  
1925].

THE HONOURABLE SIR JOHN MORISON GIBSON, K.C.M.G.,  
K.C., sometime Attorney-General for Ontario [31st  
October, 1899.].

THE HONOURABLE SIR ALLEN BRISTOL AYLESWORTH,  
K.C.M.G., K.C., sometime Minister of Justice and  
Attorney-General of Canada [4th June, 1906].

THE RIGHT HONOURABLE CHARLES JOSEPH DOHERTY, K.C.,  
sometime Minister of Justice and Attorney-General of  
Canada [23rd November, 1911].

THE RIGHT HONOURABLE ARTHUR MEIGHEN, K.C., sometime  
Solicitor General of Canada [21st May, 1914].

THE HONOURABLE ISAAC BENSON LUCAS, K.C., sometime  
Attorney-General for Ontario [22nd December, 1914].

THE HONOURABLE RODOLPHE LEMIEUX, K.C., sometime Solici-  
tor-General of Canada [5th February, 1915].

THE HONOURABLE HUGH GUTHRIE, K.C., sometime Solicitor-  
General of Canada [4th October, 1917].

THE HONOURABLE WILLIAM FOLGER NICKLE, K.C., sometime  
Attorney-General for Ontario [16th July, 1923].

THE HONOURABLE EDWARD JAMES McMURRAY, K.C., some-  
time Solicitor-General of Canada [13th September,  
1923].

UNDER THE LAW SOCIETY ACT, SECTION 5 (d). (Benchers elected at four quinquennial elections).

FRANCIS HENRY CHRYSLER, K.C., Ottawa [19th April, 1916].  
WILLIAM DRUMMOND HOGG, K.C., Ottawa [19th April, 1916].  
THE HONOURABLE GEORGE LYNCH-STAUNTON, K.C., Hamilton [19th April, 1916].  
THE HONOURABLE WILLIAM DAVID MCPHERSON, K.C., Toronto [19th April, 1916].  
ARTHUR CARSON MCMASTER, K.C., Toronto [21st April, 1921].  
WILLOUGHBY STAPLES BREWSTER, K.C., Brantford [22nd April, 1926].  
FREDERICK WEIR HARCOURT, K.C., Toronto [22nd April 1926].  
ISIDORE FREDERICK HELLMUTH, K.C., Toronto [22nd April, 1926].  
WILLIAM FIELD KERR, K.C., Cobourg [22nd April, 1926].  
THOMAS HERBERT LENNOX, K.C., Toronto [22nd April, 1926].  
THE HONOURABLE WALLACE NESBITT, K.C., Toronto [22nd April, 1926].  
THE HONOURABLE NEWTON WESLEY ROWELL, K.C., Toronto [22nd April, 1926].

#### BENCHERS ELECTED

*To Hold Office Until the First Day of Easter Term, 1931—*

ARTHUR WHYTE ANGLIN, K.C., Toronto.  
ERIC NORMAN ARMOUR, K.C., Toronto.  
JAMES WILLIAM BAIN, K.C., Toronto.  
EDWARD BAYLY, K.C., Toronto.  
WILLIAM ALVES MORGAN BOYS, K.C., Barrie.  
FRANK MEADE FIELD, K.C., Cobourg.  
GEORGE REGINALD GEARY, K.C., Toronto.  
GIDEON GRANT, K.C., Toronto.  
GEORGE FREDERICK HENDERSON, K.C., Ottawa.  
ARTHUR COURTNEY KINGSTONE, K.C., St. Catharines.  
MICHAEL HERMAN LUDWIG, K.C., Toronto.  
THOMAS GRAVES MEREDITH, K.C., London.  
D'ALTON LALLY MCCARTHY, K.C., Toronto.  
THE HON. CHARLES MCCREA, K.C., Sudbury.  
ANGUS MACMURCHY, K.C., Toronto.  
GEORGE GORDON MCPHERSON, K.C., Stratford.  
WILLIAM SORA MIDDLEBRO, K.C., Owen Sound.  
WILLIAM KELLY MURPHY, Toronto.  
WILLIAM NESBITT PONTON, K.C., Belleville.  
JOHN HENRY RODD, K.C., Windsor.  
DYCE WILLCOCKS SAUNDERS, K.C., Toronto.  
HARVEY JAMES SIMS, K.C., Kitchener.  
ARTHUR GRAEME SLAGHT, K.C., Toronto.  
HERBERT DAVID SMITH, K.C., Chatham.  
THE HON. JAMES HOUSTON SPENCE, K.C., Toronto.  
WILLIAM NORMAN TILLEY, K.C., Toronto.  
JOSEPH BOOMER WALKEM, K.C., Kingston.  
STEPHEN FREDERICK WASHINGTON, K.C., Hamilton.  
HARRY SPENCE WHITE, K.C., Toronto.  
MCGREGOR YOUNG, K.C., Toronto.

# LAW SOCIETY OF UPPER CANADA

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## OFFICERS

### TREASURER:

THE HONOURABLE WALLACE NESBITT, K.C.

### CHIEF LIBRARIAN:

JOHN JOSEPH DALEY

### FIRST ASSISTANT LIBRARIAN:

LEONARD WRINCH

### SECOND ASSISTANT LIBRARIAN:

MARGARET VAIR

### SECRETARY:

HOLFORD ARDAGH, K.C.

### ASSISTANT SECRETARY:

EILEEN HUCKLE

### PHILLIPS-STEWART LIBRARY:

VERA ROBINSON, Librarian

# THE OSGOODE HALL LAW SCHOOL

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## TEACHING STAFF

### 1. FULL-TIME MEMBERS—

JOHN DELATRE FALCONBRIDGE, K.C., M.A., LL.B. (Toronto),  
of Osgoode Hall, Barrister-at-Law, *Dean of the Law  
School.*

DONALD ALEXANDER MACRAE, M.A., Ph.D. (Cornell), of  
Osgoode Hall, Barrister-at-Law, and member of the  
Nova Scotia Bar.

SIDNEY EARLE SMITH, M.A. (King's), LL.B. (Dalhousie),  
member of the Nova Scotia Bar.

CECIL AUGUSTUS WRIGHT, B.A. (Western Ontario), S.J.D.  
(Harvard), of Osgoode Hall, Barrister-at-Law.

### 2. PART-TIME MEMBERS—

ARTHUR ROGER CLUTE, K.C., B.A., LL.B. (Toronto), of  
Osgoode Hall, Barrister-at-Law.

HAROLD WILLIAM ALEXANDER FOSTER, K.C., LL.B. (Toronto),  
D.S.O., M.C., of Osgoode Hall, Barrister-at-Law,

# LAW SOCIETY OF UPPER CANADA

TREASURERS OF THE SOCIETY SINCE ITS FORMATION,  
WITH THE YEARS DURING WHICH THEY RESPEC-  
TIVELY 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 Sympson Jameson.
1841-1843	Levius Peter Sherwood.
1843-1845	William Henry Draper.†
1845-1846	Robert Sympson 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.
1893-1913	Æmilius Irving.§
1913-1916	George Fergusson Shepley.
1916-1921	John Hoskin.
1921-1924	Featherston Osler.
1924-1927	Frederick Weir Harcourt.
1927	Wallace Nesbitt.

\* Mr. Robinson, Chief Justice of Upper Canada, 1829-1862, created a Baronet of the United Kingdom on 21st September, 1854.

† The honour of Companionship of the Bath, Civil Division, was conferred on Mr. Draper on 23rd June, 1854.

‡ Mr. Macaulay gazetted Companion of the Bath, Civil Division, 30th November, 1858, and Knighted by patent on 13th January, 1859.

§ Mr. Æmilius Irving created a Knight Bachelor in 1906.

# THE RULES

OF THE

## LAW SOCIETY OF UPPER CANADA

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**B**Y the Benchers of the Law Society of Upper Canada in Convocation, 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 any former Rule would otherwise apply.

2.—(1) The interpretation clauses of *The Interpretation Act* of Ontario shall, so far as material and applicable, apply to the Rules and Orders of the Society in like manner as if expressly incorporated therewith.

(2) The forms in the Schedule hereto are part of these Rules.

### 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 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 continue to be, the Seal of the Society.

5. The Treasurer for the time being shall have the custody of the Seal of the Society, and the Secretary shall countersign every instrument to which the Seal is affixed, and which requires the signature of the Treasurer.

#### ROLLS AND ARCHIVES

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

(2) Rolls known respectively as the Common Roll and the Barristers Roll shall each continue to be kept as heretofore.

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

8. At the close of every meeting of Convocation the entries to be made on the Rolls in consequence of admissions, calls, elections, or appointments, or orders of Convocation, shall be made by the Secretary in the Paper Rolls, and the index shall be continued.

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

#### EXECUTION OF DOCUMENTS

10. Any document or paper requiring the signature of the Treasurer or Acting Treasurer may, in the event of neither of their signatures being available be signed by the Chairman of the Committee within whose jurisdiction the same may be.

#### CONVOCATION.

11. Convocation shall be held at Osgoode Hall on each standing Convocation day unless any such day be a holiday, when Convocation shall be held on the following day.

12. The ordinary meetings of Convocation shall be held on the standing Convocation days, which shall be the third Thursday in each month of the year, excepting July, August and December. The hour of meeting shall be eleven o'clock in the forenoon, unless otherwise ordered.

13.—(1) The Treasurer may, in his discretion, summon a special meeting of Convocation at any time by giving notice thereof to each Benchler by telegraph, or otherwise, and by posting a notice in the Benchlers' robing room not later than the day previous to the day of meeting. (Form 1.)

(2) Special meetings of Convocation shall be convened by the Treasurer upon the requisition of five members. Notice stating the objects of the special meeting shall be sent by post to each Benchler at least five days before the day of meeting, unless shorter notice be directed by Convocation or by the Treasurer.

14. Five Benchlers shall be a quorum, except for the purpose mentioned in Rule 77. In case a quorum of five Benchlers is not present at any meeting of Convocation, the Benchlers present (being not less than three) may, after the lapse of half an hour from the hour appointed for the meeting, proceed to dispose of applications for admission on the books as students, or of applications for Call or for Certificates of Fitness, of Candidates, whose petitions stand regularly on the order of such day to be proceeded with, and may dispose of such applications as such Benchlers may deem proper; and the action of such Benchlers thereon, shall have the like validity and effect as if the same had been disposed of in full Convocation.

15. In case a quorum is not present after the lapse of half an hour from the hour appointed for any meeting, or adjourned meeting, or for any other reason, the Treasurer, or in his absence the Benchler being the senior Barrister present, may adjourn the meeting of Convocation to any other day, previous to the next standing Convocation day.

16. The members of the Bench shall appear in Convocation on the standing Convocation day in June in the apparel of Barristers appearing in Court.

17. Benchers not resident in Toronto or within five miles therefrom, shall be paid their disbursements incurred by attendance at meetings of Convocation and Committees.

18.—(1) The Secretary shall report to Convocation on the next Convocation day the names of such elected Benchers, if any, as have failed for nine consecutive meetings to attend a meeting of Convocation.

(2) When an elected Bencher has failed to attend a meeting of Convocation for four consecutive meetings, notice to that effect shall be sent to him by the Secretary forthwith after the last of such meetings, with a reference to this Rule.

19.—(1) The appointment of a Bencher to fill a vacancy or of any salaried officer of the Society, shall, if required by any Bencher, be by ballot, and a majority of all the votes cast shall be necessary to the appointment.

(2) If two or more Benchers are to be appointed on the same day, or if two or more salaried officers of any class are to be appointed on the same day, each Bencher voting shall have as many votes on each ballot as there are appointments to be made, provided that on any ballot a Bencher shall not cast more than one vote for any one person.

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

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

- (1) Reading the minutes.
- (2) Elections and appointments.
- (3) Consideration of such business authorized to be transacted on a previous day as may be unfinished.
- (4) Receiving and considering reports of the Legal Education Committee.
- (5) Receiving and considering reports of other Committees.
- (6) Motions.
- (7) Receiving and considering communications.
- (8) Consideration of special business.
- (9) Call of Barristers.
- (10) Reading of Rules.
- (11) Notices of motion.

22. It shall be the duty of the Treasurer or Chairman to announce at the opening of Convocation 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.

23. No Rule shall pass through more than two readings on the same day, except with the consent of three-quarters of the members present, in which case it may be read three times and finally passed.

24. 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 Bencher.

25.—(1) A petition praying for any special relief respecting fees shall stand referred to the Finance Committee and a petition praying for any special relief respecting 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 admission into the Society or Intermediate Examinations, shall stand referred to the Legal Education Committee.

- (2) Every petition shall forthwith on its receipt by the Secretary be transmitted to the proper standing Committee for its report.
- (3) No petition shall be considered by Convocation until after it has been so referred to and reported upon by the proper Committee or by a special Committee in case Convocation thinks fit to refer the same to a special Committee.

#### COUNTY COURT JUDGES.

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

#### COMMITTEES.

27. The following Standing Committees shall be annually elected at the meeting of Convocation to be held in the month of May, and shall hold office until the appointment of their successors:—

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

- 28.—(1) The Standing Committees shall each consist of not less than fourteen members.
- (2) The Treasurer, shall be *ex officio* a member of all Committees.
  - (3) All Committee meetings shall be held in the Society's rooms at Osgoode Hall, and three Benchers of any Committee shall constitute a quorum, in case of absence of members of Committees sufficient to form a quorum any Bencher or Benchers may act to constitute the necessary quorum unless otherwise specially ordered.

the first order of business at the May meeting of Convocation. **Convocation 19/9/29**

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31. The Treasurer shall preside in Convocation.

**29. (a) - There shall be a Special Committee which shall be known as the Committee on Character and Fitness, which Committee shall consist of the Treasurer of the Law Society, the Chairman of the Legal Education Committee and the Chairman of the Discipline Committee.**

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

**TREASURER.**

30. The election of Treasurer shall take place as the first order of business at the May meeting of Convocation.

31. The Treasurer shall preside in Convocation.

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

33. The Chairman shall preside in Convocation at such meeting, and in all things officiate as Treasurer until the next meeting of Convocation, should the Treasurer's absence continue so long; in the absence of both, the Chairman of Finance Committee shall act as Treasurer until the next meeting of Convocation.

34.—(1) In case of a vacancy in the office of Treasurer, the Benchers present at the first ordinary 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 regular election.

(2) Forthwith after such vacancy arising, the Secretary shall send a notice in writing to each Bencher of such vacancy and that at the first ordinary meeting of Convocation next ensuing a Treasurer will be elected.

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

**OFFICERS.**

(1) A Secretary.

(2) An Assistant Secretary.

(3) An Editor of the Reports, whose duties and responsibilities shall be prescribed from time to time by the Reporting Committee and sanctioned by Convocation.

(4) The members of the staff of the Law School as defined by Rule 97.

(5) A Chief Librarian, who shall have responsible charge of the Great Library, the Phillips-Stewart Library and the system of County Libraries, subject to the direction, in each case respectively, of the Library Committee, the Legal Education Committee and the County Libraries Committee.

(6) A First Assistant Librarian and a Second Assistant Librarian in respect of the Great Library, and an Assistant Librarian who shall have charge of the Phillips-Stewart Library, under the superintendence of the Chief Librarian, and shall also act as an additional Assistant Librarian in the Great Library when required to do so.

(7) The Chief Librarian shall select and recommend to the Library Committee for appointment his Assistants and the Librarian of the Phillips-Stewart Library, and shall prescribe their duties.

(8) The Secretary, the Chief Librarian, the Assistant Librarians and the Librarian of the Phillips-Stewart Library shall be severally required at all times to discharge the duties of any officer of the society when required by Convocation or by the Treasurer, or by the Chairman of any Committee having supervision over the functions and duties to be discharged.

36. 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.

37. All salaried offices of the Law Society or of Convocation shall be held during the pleasure of Convocation.

38. The appointment of any part-time lecturer or instructor shall be for a term of not more than one year ending on the 31st day of May next following the coming into effect of his appointment, but a lecturer or instructor may be re-appointed from time to time on the recommendation of the Dean of the Law School.

39. The Treasurer, in case of a vacancy in any office, may temporarily fill any vacancy which the exigencies of the case requires to be filled.

40. 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.

41. The Salaries of the respective officers shall be fixed from time to time by Convocation and shall be paid monthly.

#### THE SECRETARY.

42. 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 correspondence, prepare all diplomas, certificates, and other documents appertaining to his department, and perform all other services incidental to the office.

(2) He shall forthwith, after each Examination, post in a conspicuous place in the Hall, a list, showing the names of the successful Candidates.

(3) He shall under the direction of the Finance Committee exercise general supervision over the Society's grounds and buildings.

(4) He shall perform the duties mentioned in Rules 49 to 51 inclusive.

43. The Secretary for the time being shall give security by bond of some Guarantee Company to the Society to the extent of \$10,000, and the Assistant Secretary in the sum of \$5,000, for the due performance of the duties of their offices, and the Society shall pay the premiums therefor. The Assistant Secretary shall perform all the duties of the Secretary in case of his absence.

44. No person 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.

45. The Finance Committee shall have the management of the finances of the Society, including the investments of any of the Society's funds, and all matters relating to its resources and expenditure, and may appropriate from time to time such sums as may be required for expenditure by other Committees, and shall certify such other accounts as may be incurred, and order their payment.

46. 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 52 to 57 inclusive.

47. 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 prior to the October meeting of Convocation in each year, and the Finance Committee shall report thereon to Convocation with its own observations.

48. The vote of at least two-thirds of the Benchers present shall be necessary to authorize an expenditure of \$2,000 and upwards for any purpose or to determine the salary attached to any new office where the same amounts to \$400 per annum and upwards, or to vary or reverse any such vote.

49.—(1) A cash book shall be kept by the Secretary showing (a) on the debit side statements of all amounts deposited in the bank to the credit of the Society, with an analysis, under the appropriate headings, of the various items of receipts comprised in each

deposit, and a posting summary at the end of each month, and (b) on the credit side, the various items of expenditure classified, at the end of each month, under the appropriate headings.

- (2) 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.
- (3) 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.
- (4) Such accounts shall be audited monthly by a professional auditor annually appointed for that purpose at the meeting in the month of May in each year.
- (5) The current financial year of the Society shall end on 31st August, 1915, and thereafter the financial year of the Society shall extend from the 1st day of September to the 31st day of August in the next ensuing year, both inclusive.

50. The Canadian Bank of Commerce or other Bank duly authorized by the Finance Committee shall be the Bank of deposit and account of 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 shall exonerate the Secretary making such deposit.

51. The moneys of the Society, deposited in the said Bank, when required for the payment of salaries, contingencies and other accounts from time to time required to be paid by the Rules or Orders of the Society or by any Committee acting under or in accordance with any such Rules or Orders, shall be drawn

and paid out upon a cheque signed by the Treasurer, or by any member of the Finance Committee named by that Committee for the purpose, and whose name and signature shall be furnished to the Bank by the Treasurer and Secretary, and such cheques shall always be counter-signed by the Secretary.

#### THE LIBRARY.

52. The Library Committee shall have the general supervision and management of the Library, its annexes, the Benchers' robing-room, the consultation rooms, and The Phillips-Stewart Library.

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

54. The Chief 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.

55. Purchases of books shall be made upon recommendations presented by or through the Chief Librarian only by formal authority of the Library Committee, save in cases of apparent necessity, when the Chief 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.

56. 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.

57. The Library Committee may 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.

## LIBRARY REGULATIONS.

REPORTED TO CONVOCATION PURSUANT TO RULE 57.

*These are not rules of the Law Society, but are printed here for greater convenience of reference:*

(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 days other than Saturdays, except in the Vacations, from 9 A.M. to 5 P.M., or until the rising of any Court which may be sitting after 5 P.M.
- (b) On Saturdays, except in the Vacations, from 9 A.M. to 1 P.M.
- (c) In the Long and Christmas Vacations from 10 A.M. to 1 P.M.
- (d) In the evening, except during the Vacations, 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, and whenever using it, must, before leaving it, return to their places on the shelves all books taken down by them.
- (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, the Master, and the Assistant Master shall be at liberty to take books, upon application to the Chief 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 Chief 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, 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 privilege allowed by this regulation until restored thereto by order of Convocation or of the Treasurer.
- (b) For the application to the Chief 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 latest edition 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 clauses (c) and (d) shall be available only to Barristers and Solicitors who are members of the Law Society upon application to the Chief Librarian, whose duty it shall be upon such application, if the applicant shall not have previously disregarded the said regulations, to issue such book, taking a receipt on which shall be recorded the time of the return of the books and its condition.

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

#### COUNTY LIBRARIES.

58. 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 65 to 68, 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 the county town, county, or union or 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.
- (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, showing 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.
- (g) The Law Society may from time to time make and enforce rules and regulations for promoting the efficiency of the Library of the Association and may prescribe and enforce remedies for the violation thereof.
- (h) If the Law Society shall by resolution of Convocation require the Association to be dissolved by reason of any violation of any

rules or regulations of the Law Society from time to time in force, the Association shall thereupon be dissolved; provided that no such resolution of Convocation shall be passed unless notice of such motion shall have been given in a preceding term, nor unless the Association shall have been given at least one month's notice of the intention of Convocation to consider such motion.

(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 provision, 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.

59. 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.

60. The grant in aid from the Society for the initiatory or first grant shall be 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 who is a member of the local Association, and for each year thereafter an amount double the amount of the fees actually paid to the Association by its members unless Convocation otherwise direct having regard to the report of the Chief Librarian on the condition of the respective libraries and their needs, except in respect of the County of York Law Association which shall receive a sum equal to the amount actually paid to the Association by its members.

61. In addition to the grant provided for by Rule 60 each County Association whose library is reported on

satisfactorily by the Chief Librarian shall be entitled to receive two-thirds of the sum actually paid out by such Association for telephone service and for salary of Librarian not to exceed \$200 except in the case of Associations having a membership of fifty or more, as to which Associations the sum to be received shall not exceed \$300 and in cases of libraries reported on specially in favour of an increased grant, such sums may be increased to not more than \$400 and \$600 in the discretion of the County Libraries Committee.

62. The annual report of each Association with all other particulars required shall be transmitted to the Chief Librarian of the Law Society before the 15th January in each year, and all annual grants where such reports and particulars have been so transmitted shall be payable, upon the report of the County Libraries Committee to the Finance Committee, within one month after that date, 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 any default by an Association, the annual grant shall be suspended either in whole or in part, during such default, at the pleasure of Convocation

63.—(1) If the default referred to in Rule 62 shall consist merely in delay in supplying the requisite reports and information, but the Association supply such reports and information within three months after the said 15th day of January 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.

(2) If the said reports and information are not furnished within such further period of three months from the said 15th day of

January, but are supplied later the County Libraries Committee shall report specially upon the same to Convocation and Convocation may either refuse the annual grant altogether or may in its discretion make a grant of a lesser sum than that provided for in Rule 62.

64. Whenever any Library Association, which has been established for two years and has regularly made the required returns and complied with the requirements of the rules, shall make it appear to the satisfaction of Convocation that such Association is unable to purchase such reports or text-books as are necessary to make the Library thoroughly efficient and useful, having regard to the locality in which the Library is established, and the number of practitioners who are members thereof, Convocation may, on the report of the County Libraries Committee, make a special grant either of books or of 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 the Committee for the due expenditure of any money grant or advance.

65. Subject to the direction of the County Libraries Committee, the organization and management of the County Libraries shall be vested in the Chief Librarian of the Society, who shall also act as Inspector thereof. It shall be his duty 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.

66. 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.

#### REPORTING AND DISTRIBUTION OF REPORTS.

67. The Reporting Committee shall see that the duties of the Editor 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.

68. A copy of The Ontario Law Reports and Ontario Weekly Notes, 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 each of the Judges of the Court of Exchequer.

(2) Each of the Judges of the Supreme Court of Ontario and any retired Judge, at his request; the Judge of the Mining Court of Ontario.

(3) Each of the Judges of County and District Court in Ontario and two Local Masters who are not County or District Judges and who are not in practice.

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

(5) The Master of the Supreme Court of Ontario.

(6) The Master of Titles.

(7) The Dean of the Law School and each of the Full Time Lecturers in the Law School.

(8) Each Solicitor who has taken out his certificate.

(9) The Judges' Libraries of the Supreme Court of Ontario.

(10) 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 Ontario Law Reports.

(11) The Library of the Legislative Assembly, Toronto.

69. Upon paying to the Secretary with his bar fees an additional fifteen dollars, any Barrister-at-Law or any Student shall become entitled to receive the numbers of the Ontario Law Reports published by the Society during the ensuing year.

70. The Reports of the Supreme Court of Canada for the coming year shall be furnished to all Solicitors who take out their Annual Certificates for such coming year during the month of November, or on or before the first day of June thereafter, also all Barristers who comply with the preceding rule.

71. It shall be the duty of the Editor to determine what judgments ought to be published, to peruse and settle the reports thereof 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 so as to secure its efficient and prompt execution.

72. The Reporters shall, under the direction of the Editor, attend the Courts personally, and shall prepare a report of each important case, which shall include the argument of counsel whenever practicable, the authorities cited, grouped under the proper heading, and the judgment (whether oral or written), and shall furnish the same without delay to the Editor. 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. 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.

73. Every report shall have a note shewing succinctly the points decided and 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.

74. The Reports of the Supreme Court of Ontario, including Practice and Election cases shall be published in one uniform series under the title of "The Ontario Law Reports" which shall be numbered consecutively and shall have the year printed at the head of each page.

75. Where an Editor has been requested to furnish a copy of a Judgment delivered in Court, it shall be his duty to furnish such copy to the person demanding same without delay upon payment of the sum of ten (10) cents per folio of one hundred words of such Judgment, and no more. The Editor shall also perform any other duties which may be assigned to him by Convocation or the Reporting Committee.

#### DISCIPLINE

- 76.—(1) Where complaint is made to the Law Society charging any barrister, solicitor or student-at-law with professional misconduct, or where misconduct unbecoming a barrister, solicitor or student-at-law is reported to the Discipline Committee under any section of this Rule, such complaint or report, as the case may be, shall be reduced to writing, and shall stand referred to the Discipline Committee, and the Secretary shall forthwith transmit it to the Chairman of that Committee.
- (2) The Discipline Committee may thereupon proceed to investigate the said complaint or report.
- (3) For that purpose the Committee may appoint a time and place for the investigation, and may notify the complainant, and the party complained against to appear before the Committee, with their witnesses, and may compel the production

before the Committee of all books and papers relating to the matter, and may compel the parties and their witnesses to give evidence concerning the complaint under oath; or the Committee, if they consider it unnecessary to call the parties and their witnesses before them, may proceed with the investigation without so doing.

- (4) Any notice required to be given in any proceeding or investigation may be given by publishing a copy of the same in one issue of a newspaper published in the City or Town or County in which the person concerned resides or carries on business, or by mailing a copy of said notice in a registered letter addressed to the person concerned at his last known residence or place of business. Such publication or mailing, as the case may be, shall be not less than seven days before the date on which the appearance or thing required or notified by the notice is to be made or done, and proof by statutory declaration of the publication or mailing of said notice shall be sufficient evidence of service of such notice on the person concerned.
- (5) The Committee may from time to time adjourn any investigation, and in case any one or more of the parties shall fail to appear, pursuant to notice at the time and place appointed, the Committee may thereupon proceed with such investigation in the absence of such party or parties.
- (6) The Committee shall reduce to writing the statements made and evidence adduced or given by the parties or by such of them as shall appear pursuant to the notice, and shall submit the same, together with all books and papers relating to the matter, and a statement of their views thereon to Convocation.

- (7) When the Discipline Committee shall have made its report, the Secretary shall thereupon cause a copy of the Committee's findings or statement as reported to Convocation, to be served either personally or by publication in a newspaper, or by registered letter in manner aforesaid upon the person whose conduct is under consideration, together with a notice that the same will be considered and dealt with by Convocation at a meeting to be held at a certain hour upon a date to be named, which shall be not less than seven days after the date of the service thereof in manner aforesaid, and such notice shall intimate that the barrister, solicitor or student-at-law, as the case may be, may appear at such meeting and be heard personally or by counsel in respect of the findings or statement of the committee so reported, and in respect of the action of Convocation to be taken thereupon; and Convocation at such meeting may then and there take such final action in the matter as to it shall seem meet, whether or not the barrister, solicitor or student-at-law shall appear pursuant to the said notice.
- (8) If any case of apparent misconduct on the part of any barrister, solicitor or student-at-law shall come to the notice of the Secretary, although no formal complaint shall have been made, it shall be his duty, without delay, to make due inquiry into the case, and report the facts, so far as they are then known, or can be ascertained, as soon as may be, to the Discipline Committee, and the matter shall thenceforth stand referred to the Discipline Committee, and all the foregoing provisions of this Rule shall apply to such case, as if the said report were a complaint made to the Law Society charging professional misconduct.

- (9) A Solicitor may be appointed by Convocation, at a salary to be fixed, whose duty it shall be to inquire into all cases of alleged professional misconduct which may be brought to his notice by the Discipline Committee, and into all cases which may appear to him to reflect upon the honour of the profession, and which may come to his notice through the public press, or in any other manner, and whether or not any formal complaint or charge is lodged, and to report thereon to the Committee, and if requested by the Committee, to prepare cases for investigation by the Committee, and to appear before the Committee on any investigation, and conduct the examination of witnesses.
- (10) Upon the solicitor aforesaid reporting to the Committee upon any case, the Committee may proceed with the investigation of such case and report thereon in like manner as hereinbefore provided; or if they consider no *prima facie* case for investigation has been made out, may so report to Convocation.

77. No Barrister shall be debarred nor Solicitor deprived of his certificate, unless so decided at a meeting of Convocation at which not less than ten members are present, by the votes of at least seven, being a majority of those present.

78. Upon any order being made by the Supreme Court of Ontario whereby any person being at the time a member of the 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.

79. Such suspension shall not be deemed an affirmation by the Society of the correctness of the grounds upon which the decision of such Court is founded, but merely as a legal consequence attaching to such decision.

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

81. The Secretary shall on receipt of any such order from the proper officer of the said Court, lay the same before Convocation at the next meeting; and the same shall be thereupon entered at length upon the Minutes of Convocation, but no entry of such suspension shall be entered upon the Rolls of the Society.

82. The Secretary shall, after the entry upon the Minutes of Convocation of an order of the said Court ordering a member of the Society to be struck off the Roll of Barristers or Solicitors, notify by letter each of 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 Secretary of the Society.

83. Upon the Secretary being informed of any order having been made by the said Court, 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 Minutes of Convocation.

84. In any matter wherein an application is made to the Court against a Solicitor in respect of misconduct, and in which an Order is made therein against him, the Reporter shall, if the Judgment is reported, set forth in the Report the style of the matter and the name of the Solicitor.

85. Any Solicitor having a complaint to make against a Solicitor or against any person acting in any of the Courts as a solicitor without having been duly enrolled as such, shall make such complaint to the Secretary of the Law Society (who is to treat as confidential the name of such complainant), and it shall be the duty of the Secretary to make enquiry from the local Judge or other local Court official as to the matter complained of, and to report the said complaint and any information obtained by him to the Chairman of the Discipline Committee which Committee shall thereupon (but without disclosing the name of the original complainant) submit the whole question to Convocation for action.

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#### ADMISSION TO THE SOCIETY

86. There shall be two classes of students:—

- (a) GRADUATE CLASS, comprising those students qualified as follows:—
- (i) A graduate in the Faculty of Arts or Law of any university in His Majesty's Dominions empowered to grant such degrees.
  - (ii) A graduate in the Faculty of Applied Science, or of Commerce or Finance, of the University of Toronto or of McGill University, Montreal, or of Practical Science of Queen's University of Kingston.
  - (iii) A graduate of any faculty in any of the Universities of the United Kingdom or of any of His Majesty's Dominions or Colonies or of any university or college in any of the Provinces of Canada having power to grant degrees which faculty shall be by the Society considered to be of equal standing with any of those faculties hereinbefore mentioned.
  - (iv) A graduate of the Royal Military College, Kingston.

(b) MATRICULANT CLASS, comprising those students holding the following qualifications:—

- (i) a certificate that he or she is entitled to enter unconditionally the third or junior year of the course leading to the degree of Bachelor of Arts in the University of Toronto, Queen's University, Kingston, or the University of Western Ontario, London, OR
- (ii) satisfactory proof that he or she is entitled to enter unconditionally the third or junior year of the course leading to the degree of Bachelor of Arts in any other University approved by Convocation.

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

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

89. Applicants for admission shall fyle with the Secretary the following papers:—

- (a) A Notice of Presentation (Form 2) signed by a Barrister-at-Law in good standing.
- (b) a Petition for admission (Form 3).
- (c) Certificate of qualification.
- (d) Articles of Clerkship (Form 4).

and shall at the same time deposit the proper fee payable on his admission.

90. Applications for admission which are made on or before the first day of any month in which Convocation regularly meets, shall be reported to Convocation by the Legal Education Committee to the ordinary meeting of Convocation in that month.

91. The certificate of admission in the Society may be according to Form 5.

92. Candidates for admission to the Society shall be admitted on the day on which their applications shall have been filed respectively.

93. A student-at-law may transfer his service under Articles to a Solicitor by means of an Assignment which should be in Form 6. The Assignment will be submitted to the Secretary and noted on the Student's Record Sheet; it will then be retained by the Student and at the conclusion of his term of service be attached to the papers filed with the Secretary leading to his Call to the Bar and Certificate of Fitness as a solicitor.

#### SERVICE OF STUDENTS-AT-LAW

94. No Student-at-Law 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

95. The Law School is continued upon the basis established by these rules under the name of the Osgoode Hall Law School.

96. The Legal Education Committee may make regulations, not inconsistent with these Rules, with respect to 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 ordinary meeting after the making thereof.

97. The teaching staff of the Law School shall consist of:—

(a) The Dean;

(b) Such full-time lecturers as may be appointed from time to time by Convocation;

- (c) Such part-time lecturers, instructors or demonstrators as may be appointed from time to time by Convocation.

98. The Dean and the full-time Lecturers shall be Barristers, and shall reside in or near Toronto and none of them shall be a member of any firm of practising barristers or solicitors or engage in any professional work other than that of consulting counsel.

99. The Dean, in addition to giving lectures and conducting discussions in class and discharging such other duties as may be assigned to him by Convocation, shall have supervision and general direction of the Law School.

100. Subject to the approval of the Legal Education Committee, the Dean shall arrange the subjects and books for lectures and discussions, and the branches of law and practice and hours for lectures and discussions in the Law School.

101. The lecturers, instructors and demonstrators shall give lectures and conduct discussions in class, and perform such other duties as may be assigned to them by the Dean.

102. Subject to the directions of the Legal Education Committee, examination questions shall be prepared and answers shall be read by the members of the teaching staff.

103. The course at the Law School shall consist of three annual sessions of lectures, discussions, moot courts, or practice demonstrations, and examinations.

104. Each session of the Law School shall commence on the third Monday in September and shall close on the last Saturday in May, with a vacation commencing on the last Monday before Christmas day and ending on the first Saturday after New Year's Day.

105. Each session of the Law School shall be divided into two terms, to be known as the Christmas or first

term and the Easter or second term, the duration of each term to be defined by the Legal Education Committee.

106. A Student must complete the course of study of the first year, and pass the prescribed examinations thereon, before he enters on the second year; and must complete the course of study of the second year, and pass the prescribed examinations thereon, before he enters on the third year.

107. Subject to the Legal Education Committee, otherwise ordering every Student-at-Law is obliged to attend the Law School, the attendance of a Student of the graduate class to be during his three years of service under articles, and that of a student of the matriculant class to be during the third, fourth and fifth years of his service under articles.

108. At the close of each term of the Law School, the Dean shall certify to the Secretary the names of those students who appear by the record to have duly attended the lectures of that term. No student is to be certified as having duly attended the lectures, unless he has attended at least five-sixths of the aggregate number of lectures, and at least four-fifths of the number of lectures of each series, delivered during the term and pertaining to his year. If any student who has failed to attend the required number of lectures, satisfies the Dean that such failure has been due to illness or other good cause, the Dean shall so report to the Secretary. The word "lectures" in this rule and the next preceding rule shall include discussions, practice demonstrations and moot courts.

109. The School terms, if duly attended by a Student-at-Law, shall be allowed as part of the term of service under articles.

110. Any Student-at-Law may attend any terms of the School, upon payment of the prescribed fees, but such attendance shall not be accepted in lieu of that required by Rule 107.

111. No Students' Club or Society shall be recognized as connected with the Law School, or as representative thereof, nor shall it be entitled to bear the name "Osgoode," "Osgoode Hall," "Law School," "Law Students," or other similar name, unless it shall have been affiliated with the Osgoode Hall Literary and Athletic Society as a branch thereof, and unless and until its constitution and rules or by-laws have been approved of by a Committee consisting of the Treasurer, the Chairman of the Legal Education Committee, the Dean of the Law School, and the President of the Osgoode Hall Literary and Athletic Society.

The Finance Committee may permit the Osgoode Hall Literary and Athletic Society the use of certain parts of Osgoode Hall from time to time on such occasions and under such limitations as to the said Committee shall seem proper.

### EXAMINATIONS

112. Examinations shall be held in each academic year upon the work of the school during the year. The examination of the First and Second years shall be the first and Second Intermediate examinations respectively, and the examination of the Third year shall be the examination for Call to the Bar and Admission as Solicitor.

113. Regular examinations shall be held at the end of the Christmas term and of the Easter term of the Law School, on dates to be fixed by the Legal Education Committee; and the two examinations shall be considered as one examination.

114. The percentage of marks which must be obtained in order to pass an examination shall be not less than fifty per cent. of the number of marks obtainable in each subject.

115. Supplemental examinations shall be held in the month of September next after the regular examinations on dates to be fixed by the Legal Education Committee.

116.—(1) The following Students may present themselves for examination at the Supplemental Examinations:—

- (a) Students whose attendance at the lectures has been allowed as sufficient but who have been prevented by illness or other sufficient cause from presenting themselves at the regular examinations.
- (b) Students who have failed to pass the regular examinations.

117. No Student shall be entitled to present himself for examination at the Supplemental Examinations unless he shall have given notice in writing to the Secretary at least one month prior to the time fixed for such examination, of his intention to present himself and of the subject or subjects upon which he desires to be re-examined.

118. Students who have failed to pass the examinations for the year shall again attend the lectures of such year.

119. The Legal Education Committee shall superintend all examinations.

120. The Secretary shall, with respect to Candidates for Call, make a report to the Legal Education Committee stating that the papers and services of the candidates are correct and that they have passed the required examinations and paid the necessary fees.

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

122. The Legal Education Committee may in special circumstances dispense with compliance by any student with the rules relating to attendance at lectures, the writing of examinations or the percentage of marks

required to be obtained or any other matter connected with the administration of the Law School or the conduct of examinations, subject to such conditions as the Committee in its discretion may think proper.

123. 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.

124. 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.

### HONOURS, SCHOLARSHIPS AND MEDALS

125. Honours and Scholarships provided for intermediate examinations shall be awarded only in connection with the regular Examinations.

126. The Candidates obtaining at least 80% of the aggregate marks obtainable, and at least 65% of the marks obtainable on the papers in each subject, shall be passed with Honours.

127. Those only who are Candidates in due course are entitled to be passed with Honours, unless in any particular case Convocation shall see fit to award Honours.

128. A candidate or student in due course means a Student-at-law who, in accordance with the rules,

- (a) In the case of a first year student, has attended one session of the Law School;
- (b) In the case of a second-year student, has attended two consecutive sessions of the Law School; and
- (c) In the case of a third-year student, has attended three consecutive sessions of the Law School.

129. Of the candidates passed at each Intermediate examination, the first shall be entitled to a Scholarship of \$100.00; the second to a scholarship of \$60.00, and the next five to a Scholarship of \$40.00 each; provided, however, that the candidate passing first, to be entitled to a Scholarship of \$100.00 shall have passed with Honours; otherwise he shall be entitled to a Scholarship of \$60.00.

130. 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.

131. The Chancellor Van Koughnet Scholarship, amounting to \$400, shall be awarded annually to that member of the graduating class of the Law School who, being in due course, shall take first place on the Examination for Call to the Bar.

132. The Christopher Robinson Memorial Scholarship of the value of \$100 shall be awarded annually to that member of the graduating class who, being in due course, shall take second place on the Examination for Call to the Bar.

133. The Clara Brett Martin Memorial Scholarship shall be awarded annually to that member of the graduating class of the Law School, who, being in due course, shall take third place on the Examination for Call to the Bar.

134. The diploma of each student who has been awarded a medal, scholarship or honours shall certify to such fact.

CALL TO THE BAR

135. The following persons, being British subjects, or residents of Ontario, who have taken the Oath of Allegiance and have declared their intention to become British subjects, may be Called to the Bar on any ordinary Convocation day.

- (a) Any person of the age of twenty-one years, who, having been entered of and admitted into the Society as a student-at-law, in the Matriculant Class, has been standing on the books thereof for five years, and has conformed to the rules of the Society;
- (b) Any person of the age of twenty-one years, who having been entered of and admitted into the Society as a student-at-law in the Graduate Class, has been standing on the books thereof for three years, and has conformed to the rules of the Society;
- (c) Any person who has been duly called to the Bar of any of His Majesty's Superior Courts of England, Ireland or Scotland—when the Inn of Courts or other authority having power to call or admit to the Bar by which such person was called or admitted extends the like privilege to members of the Bar of Ontario—on producing sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Society.
- (d) Any person who has been duly called or admitted to the Bar of any of His Majesty's Superior Courts in any of the Provinces of Canada or of any British Dominion or colony in which the same privilege would be extended to members of the Bar of Ontario, and who produces sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Society.

ADMISSION OF SOLICITORS

136. The following persons, being British subjects, or residents of Ontario, who have taken the Oath of Allegiance and have declared their intention to become British subjects, may be admitted and enrolled as Solicitors.

- (a) Any person of the age of twenty-one years who having been entered of and admitted into the Society as a Student-at-Law in the Matriculant Class, 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 five years;
- (b) Any person of the age of twenty-one years who having been entered of and admitted into the Society as a Student-at-Law in the Graduate Class, and who being bound by Articles of Agreement to a practising Solicitor in Ontario to serve, has served him as his clerk for three years;
- (c) Any person who has been duly called to the Bar of Ontario, or of any of the other Provinces of Canada, or of any British Dominion or Colony, or who has been duly called to the Bar of any of His Majesty's Superior Courts in England, Ireland or Scotland, not having merely local jurisdiction, and has been thereafter bound by Articles of Agreement to a practising Solicitor in Ontario to serve and has served him as his clerk for three years;
- (d) Any person who has been duly sworn, admitted and enrolled a Solicitor of His Majesty's Supreme Court of Judicature in England or Ireland, or who has been Writer to the Signet or Solicitor of the Supreme Courts in Scotland, and who has been thereafter bound by Articles of Agreement to a practising solicitor in Ontario to serve and has served him as his clerk for one year;

- (e) Every person who has been, duly sworn, admitted and enrolled as a Solicitor of any of His Majesty's Superior Courts of Law or Equity in any Province of Canada or in any of His Majesty's Dominions or Colonies and who has been thereafter bound by Articles of Agreement to a practising Solicitor in Ontario, to serve and has served him as his clerk, for such period not exceeding one year, as may be prescribed by the Rules of the Society.

137. Every candidate for Call to the Bar or for a Certificate of Fitness as a Solicitor shall file with the Secretary on or before the first day of the month preceding the Convocation at which he intends so to present himself, the following papers:—

- (a) A Notice of Call, (Form 7), signed by a Bencher;
- (b) A Notice of Presentation for Call (Form 8), signed by a Barrister;
- (c) A Bond to the Society (Form 9).
- (d) A Petition for Call and Admission (Form 10).
- (e) An Affidavit of Service under Articles (Form 11).
- (f) A Certificate of Service under Articles (Form 12), signed by the Solicitor with whom such candidate has served his clerkship,

and shall also at the same time and place pay the fees payable on his Call and Certificate of Fitness.

138. 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, and for Certificates of Fitness, 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, and shall present the same to the Legal Education Committee at its meeting next before the succeeding Convocation.

139. No Candidate for Call or for Certificate of Fitness who shall have omitted to leave his petition and all his papers and fees with the Secretary, as by the Rules required, shall be Called or given his Certificate of Fitness, except after report upon a petition by him presented, praying relief on special grounds.

140. 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-at-Law in the order of his precedence on the Common Roll; unless Convocation, at the time of his examination being passed, otherwise order.

141. 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.

142. (1) 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 Supreme Court; and he may be so presented by any Bencher present in Court.

(2) The oath to be taken by a Barrister on being presented to the Supreme Court shall be as in Form 18.

143. The diploma of a Barrister-at-Law of the Society, shall be in Form 13 and the Certificate of Fitness in Form 14.

144. 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 Certificate of Service 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.

### CALL TO THE BAR IN SPECIAL CASES

145. Every person entitled to be called to the Bar under sections (c) and (d) of Rule 135 before being called shall file with the Secretary of the Society, on or before the first day of the month prior to the meeting of Convocation at which Call will be sought, the following papers, namely:—

- (a) Petition for Call (Form 15).
- (b) Declaration verifying (Form 16).
- (c) Notice of Intention (Form 17).
- (d) Notice of Presentation (Form 18).
- (e) Notice of Call (Form 19).
- (f) Certificate of Standing in applicant's Law Society (Form 20).
- (g) Bond (Form 9).
- (h) Letters of Character (2) from members of applicant's Bar.
- (i) Declaration of publication of Notice of Intention.
- (j) Cheque for required fees.

(2) The Certificate of Standing in the applicant's Law Society shall show that the applicant was duly Called to and is still a member in good standing of his Bar, 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.  
the applicant shall set forth the facts and circum-

(3) In case any adverse application has been made, stances and show the result.

(4) The applicant's Notice of Intention to apply for Special Call shall be published in the *Ontario Gazette* once a week for at least two months next preceding the Convocation in which he intends to present himself for Call.

(5) Shall pass such examination as may be prescribed at the time of his application.

(6) The following fees shall be paid:—

For admission to Law Society .....	\$ 51.00
For Special Call .....	301.00

### ADMISSION OF SOLICITORS IN SPECIAL CASES

146. Every person applying for a Certificate of Fitness as a Solicitor under sections (c), (d) and (e) of Rule 136 shall file with the Secretary of the Society, on or before the first day of the month prior to the meeting of Convocation, which will be asked to grant him his Certificate of Fitness, the following papers:—

- (a) Petition for Certificate of Fitness (Form 15).
- (b) Declaration verifying (Form 16).
- (c) Notice of Intention (Form 17).
- (d) Notice of Presentation (Form 18).
- (e) Certificate of Standing in applicant's Law Society (Form 20).
- (f) Articles of Clerkship (Form 4).
- (g) Affidavit of service under Articles by applicant (Form 11).
- (h) Certificate of service of applicant under Articles by principal (Form 12).
- (i) Letters of Character (2) from members of the applicant's Law Society.
- (j) Declaration of publication of Notice of Intention.
- (k) Cheque for required fees.

(1) If a Barrister, that he was bound by a contract in writing to a practising solicitor in Ontario to serve, and has served as his Articled Clerk for the period of three years.

(2) If a Solicitor, or Writer, that he was bound by a contract in writing to a practising Solicitor in Ontario to serve and has served him as his articulated clerk for the period of one year, provided that a solicitor from any Province of the Dominion in which a Solicitor from this Province is entitled to admission as a Solicitor either without service under articles or after service for less than a year, shall be entitled to admission after service for a period equal to that so required in such other Province, or if no service is there required then after such service (not exceeding one year) as may in the particular case be prescribed by the Legal Education Committee.

(3) That he has passed an examination prescribed to the satisfaction of the Legal Education Committee conducted by one or more of the Examiners of this Society upon the statutes in force in Ontario and the practice of its Courts, who shall report thereon in writing.

(4) That notice of his intention to apply for admission as such Solicitor was published in the *Ontario Gazette* once a week for at least two months prior to the meetings of Convocation at which his Certificate of Fitness will be granted.

(5) The Certificate of Standing in the applicant's Law Society shall show that he was duly admitted and enrolled and has been in actual practice as Solicitor; that he still remains duly enrolled as such and in good standing; 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 Solicitor, and that no charge is pending against him for professional or other misconduct.

Or that he was duly called to, and is still a member in good standing of the Bar, 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.

In case any adverse application has been made, the applicant shall set forth the facts and circumstances and show the result.

(6) Ontario Barristers applying for a Certificate of Fitness under the provisions of Section 4 of the Solicitors Act, shall file with the Secretary a Petition (Form 21), and a Statutory Declaration (Form 22).

(7) The following fees shall be paid:—

For Admission to Law Society .....	\$ 51.00
For Special Certificate of Fitness .....	261.00

FEEES AND CERTIFICATES

147. Every member of the Society shall, after his Call to the Bar, pay to the Society, in Michaelmas Term in each year, a Term fee of Five dollars per annum.

148. The fee for a Solicitors' Annual Certificate shall be Fifteen dollars exclusive of the term fee of Five dollars per annum which may be payable by him as a member of the Bar under Rule 147 and shall be payable on or before the 30th day of November in every year, and if a Solicitor who desires to obtain such certificate according to the provisions of *The Solicitors Act* pays the said sum to the Society together with all other fees, dues and penalties as required by the Act to be paid by him, whether by reason of any default or otherwise, he shall be entitled to receive such certificate from the Secretary for the year commencing with the first day on which the said fee of fifteen dollars became payable.

149. 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, and also immediately after the First day of each succeeding month, a supplementary list of all those taking out their certificates in the previous month.

150. 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.

The following fees shall be payable to the Society:—

With application for admission as a Student-at-Law .....	\$ 1 00
On presentation for admission as a Student-at-Law .....	50 00
On each examination .....	10 00
With notice to 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 135, 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 136, 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 Session of the Course in the Law School attended, in advance .....	100 00
For certificate of admission as a Student-at-Law or an Articled Clerk .....	1 00
For every other Certificate .....	2 00
With every other notice .....	1 00
Barrister's annual Term or Bar fee .....	5 00
Solicitor's annual Certificate .....	15 00

In case any candidate for Call to the Bar or for a certificate of fitness as a solicitor, fails to pass the necessary examination, or is rejected on any other ground, the fee deposited by him according to the statute or the Rules of the Society, shall be returned to him by the Secretary less \$10.

## SCHEDULE OF FORMS

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### FORM 1.

#### TREASURER'S SUMMONS FOR A SPECIAL CONVOCATION

LAW SOCIETY OF UPPER CANADA

Toronto, , 19

DEAR SIR,—I have the honour to inform you that the Treasurer, by virtue of the authority vested in him by Rule Number 13, has instructed me to summon a Special Meeting of Convocation to be held on the day of 19 at the hour of eleven o'clock in the forenoon.

*Secretary.*

*Special Business*

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### FORM 2.

#### PRESENTATION FOR ADMISSION.

LAW SOCIETY OF UPPER CANADA.

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

GENTLEMEN,—I hereby present to the Examining Committee and to the Convocation, of in the County of in this Province, Gentleman, son of of the same place, for the purpose of his being examined and entered and admitted as a Student-of-the-Laws.

Dated the day of 19 .

Barrister-at-Law.

## FORM 3

## PETITION FOR ADMISSION.

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

The petition of (*names in full*) of the                      of                      ,  
in the County of                      ; son of (*names in full*) of  
the                      of                      , in the County of                      . (occu-  
pation).

*Showeth as follows:—*

Your petitioner desires to become a member of the Law Society of Upper Canada and to be entered on the books thereof as a Student-at-Law.

Your petitioner was born at                      in the Province  
of                      on the                      day of                      in the year  
19                      , and is now                      years of age.

Your petitioner has obtained a Certificate of Complete First and Second Year University Standing (which Certificate is hereto attached).

*Or* your petitioner has been granted the degree of Bachelor of Arts (*or Law or Science or Commerce*) by the University of                      , a certificate of which dated                      , 19                      , is hereto attached.

The presentation to Convocation, signed by Mr.                      of                      , Barrister-at-Law, is hereto attached.

A cheque or money order for the entrance fees, being the sum of \$51.00, payable to the order of the Law Society of Upper Canada, is hereto attached.

Your petitioner was articulated to                      of the  
of                      in the County of                      by Indenture of  
Articles dated the                      day of                      , 19                      , and a  
duplicate is hereto attached.

Your petitioner hereby undertakes that he will pay to the Law Society of Upper Canada aforesaid all such fees and dues from time to time as are provided by Statute or by the Rules or Orders of the said Society; and that he will obey, observe, perform, fulfil, and keep all the Rules, Resolutions, Orders, By-Laws and Regulations of the said Society, now in force or hereafter to be made, during such time as he shall continue on the books of the said Society as a member thereof.

Dated at                      this                      day of                      , 19                      .

Witness:

## FORM 4.

## ARTICLES OF CLERKSHIP.

ARTICLES OF AGREEMENT made (in duplicate) the  
 day of                    in the year of our Lord one thousand  
 and                    . Between                    of                    (the father  
 or guardian) of the first part,\*                    son of the  
 said                    of the Second Part                    . And  
                   of                    gentleman, one of the Solicitors of  
 the Supreme Court of Ontario, of the Third Part.

WITNESS, that the said                    of his own free will  
 (and with the consent and approbation of the said  
                   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                    to  
 serve him from the day of the date hereof up to the  
 day on which he shall be admitted as a student-at-law  
 or entered as an articted clerk, whichever shall first  
 happen, in accordance with the rules of the Law  
 Society, and during and until the full end and term  
 of                    years from the day of his so being admit-  
 ted or entered then next ensuing:

And the said                    doth hereby for himself, his  
 heirs, executors, and administrators, covenant with the  
 said                    his executors, administrators, and assigns,  
 that the said                    shall and will well, faithfully and  
 diligently serve the said                    as his clerk in the prac-  
 tice or profession of a Solicitor of the Supreme Court  
 of Ontario from the date hereof, during and until the  
 end of the hereinbefore mentioned term.

And that the said                    shall not, at any time, dur-  
 ing 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                    his execu-  
 tors, administrators, or assigns, or of his partner or  
 partners, or of any of his clients or employers:—

And that in case the said                    shall act contrary  
 to the last mentioned covenant, or if the said                    his

---

\* Where a person about to be articted has attained his majority, his  
 father or guardian is not a necessary party to the instrument.

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            the said            his heirs, executors, or administrators, shall indemnify the said            and make good and reimburse him the amount or value thereof:

And further, that the said            will at all times keep the secrets of the said            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            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            doth hereby covenant with the said            his executors, administrators, and assigns, that he the said            will truly, honestly, and diligently serve the said            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 the sum of One Dollar 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 by the best ways or 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            in the said practice or profession of a Solicitor of the Supreme Court of Ontario, which the said            now doth, or shall at any time hereafter during the said term use or practice.

And also will at the expiration of the said term use his best means and endeavours, at the request, cost and charges of the said            and            or either of them, to cause and procure him the said            to be admitted as a Solicitor of the Supreme Court of

Ontario provided the said \_\_\_\_\_ 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 (L.S.)  
 by the within named parties, (L.S.)  
 in the presence of (L.S.)

\_\_\_\_\_

AFFIDAVIT OF EXECUTION.

PROVINCE OF ONTARIO ) I, \_\_\_\_\_ of the \_\_\_\_\_ of  
 COUNTY OF \_\_\_\_\_ ) \_\_\_\_\_ 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 \_\_\_\_\_ 19 \_\_\_\_\_

Sworn before me, at \_\_\_\_\_  
 in the County of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 in the year of our Lord 19 \_\_\_\_\_

*A Commissioner for taking affidavits.*

## FORM 5.

CERTIFICATE OF ADMISSION INTO THE  
SOCIETY.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL

These are to certify that \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, having complied with the rules in that behalf, was by the Benchers of the Law Society of Upper Canada in Convocation, duly admitted into the said Society as a member thereof, as of the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, and entered as a Student-at-Law, and that he now remains on the books of the Society as a member thereof.

In testimony whereof the Secretary of the said Society, has to these presents affixed the seal of the said Society and his signature, at Osgoode Hall, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand nine hundred and \_\_\_\_\_, and in the year of His Majesty's reign.

*Secretary.*

## FORM 6.

## ASSIGNMENT OF ARTICLES.

This indenture made (in duplicate) the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand nine hundred and \_\_\_\_\_.

Between \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_, one of the Solicitors of the Supreme Court of 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., \_\_\_\_\_, 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 the day of his being admitted as a Student-at-Law or entered as an Articled Clerk in accordance with the rules of the Law Society thence next ensuing and fully to be completed and ended subject to the several covenants therein contained.

\*And whereas, by virtue of assignment of said Articles the said \_\_\_\_\_ is now under contract of service with the said \_\_\_\_\_

And whereas, the said \_\_\_\_\_ hath served the said \_\_\_\_\_ as his Clerk from the day of the date of the said \_\_\_\_\_ Articles of Clerkship, to the day of the date of these presents.

And whereas, it has been agreed that the said \_\_\_\_\_ shall assign to the said \_\_\_\_\_ all benefit and advantage of him the said \_\_\_\_\_ under or by virtue of the said recited Articles of Clerkship for all the residue now to come and unexpired of the said term of \_\_\_\_\_ years; and it has been further agreed that the said \_\_\_\_\_ shall put, place, and bind himself as Clerk to the said \_\_\_\_\_ from the day of the date of these presents for the remainder of the said term.

Now, this indenture witnesseth, that in pursuance of the said agreement, he the said \_\_\_\_\_ at the request and with the consent of the said \_\_\_\_\_ testified by his being a party to these presents hath assigned, transferred and set over and by these presents doth assign, transfer and set over unto the said \_\_\_\_\_ all benefit and advantage, interest, claim and demand whatsoever of him the said \_\_\_\_\_ under the hereinbefore in part recited Articles of Clerkship, and the service of him the said \_\_\_\_\_ under or by virtue of the same to have and to hold all right and interest whatsoever of him the said \_\_\_\_\_ in and to the service of him the said \_\_\_\_\_ under or by virtue of the same unto the said \_\_\_\_\_ his executors, administrators, and assigns.

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\* This recital not necessary in the case of the first assignment.

And this indenture further witnesseth that the said  
of his own free will testified as aforesaid hath  
put, placed and bound himself and by these presents  
doth put, place and bind himself Clerk to the said  
to serve him from the day of the date of these presents  
for and during the remainder of the said term of  
years, and fully to be completed and ended.

And the said doth hereby covenant with the  
said his executors, administrators, and assigns,  
that the said shall and will, well, faithfully and  
diligently, serve the said as his Clerk in the  
practice and profession of a Solicitor of the Supreme  
Court of Ontario, from the date hereof during the  
remainder of the hereinbefore recited term of years  
according to the terms and conditions of the said here-  
inbefore mentioned Articles of Clerkship as there set  
forth.

In consideration whereof, and of the sum of One Dol-  
lar 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 are binding on the  
said

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

Signed, sealed and delivered	(L.S.)
by the within named part-	(L.S.)
ies in the presence of	(L.S.)

#### AFFIDAVIT OF EXECUTION

COUNTY of ) I, of the of  
) in the County of make  
To WIT: ) 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.



## FORM 8.

## PRESENTATION FOR CALL

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

I hereby present to Convocation Mr. (*write name in full*), a member of this Society, now standing on the books as a Student-at-Law, who is, as I truly believe, a British subject; and who has received his professional Education under the superintendence of \_\_\_\_\_, Esquire, one of the Members of this Society, of the degree of Barrister-at-Law for the purpose of being called to the Bar.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

*Barrister-at-Law.*

## FORM 9.

## BOND

THE LAW SOCIETY OF UPPER CANADA, TO WIT:

Know all men by these presents, that I (*name in full*), of \_\_\_\_\_ in the County of \_\_\_\_\_ in this Province, Gentleman, Member of the Law Society of Upper Canada, now standing on the Books of the said Society as a Student-at-Law, am 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, I bind myself, my heirs, executors, and administrators, firmly by these presents. Sealed with my seal. Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of His Majesty's Reign and in the year of our Lord one thousand nine hundred and \_\_\_\_\_

The condition of this obligation is such, that if the above bounden \_\_\_\_\_ shall and will well and truly pay or cause to be paid to the Law Society of Upper Can-

ada 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, By-law, or Regulation of the said Society, or which shall or may hereafter become due or payable by or from him to the said Society under the same, or under any other Rule, Resolution, Order, or Regulation, passed or to be passed by the Benchers of the said Society in Convocation, 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 shall be and remain in full force, virtue and effect.

Signed, Sealed and Delivered }  
 in the presence of } (L.S.)

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FORM 10.

PETITION TO BE ADMITTED AND CALLED

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

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

The petition of \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, in this Province, son of \_\_\_\_\_, of the same place, most respectfully sheweth:—

That your petitioner is a British subject 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 Law, under the superintendence of \_\_\_\_\_, Barrister-at-Law, and a Solicitor of the Supreme Court of Ontario; that he was admitted into the Law Society of Upper Canada as a member thereof, and entered on the books thereof as a Student-at-Law on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. That his articles of clerkship were dated and

executed on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that he has attended the Lectures of the Law School of the Society for three sessions as prescribed by the rules and has studied the branches of the Law required by the curriculum, and has passed all the examinations prescribed by the Rules of the Society. That he is desirous of being Called to the Bar and of being admitted to practice as a Solicitor in His Majesty's Courts in Ontario.

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 the degree of Barrister-at-Law and admitted to practice at the Bar of His Majesty's Courts in Ontario, and to receive a Certificate of Fitness to be admitted as a Solicitor; 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.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness:

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FORM 11

AFFIDAVIT OF SERVICE UNDER ARTICLES

IN THE MATTER OF

I, \_\_\_\_\_ a Student-at-Law  
of \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the County  
of \_\_\_\_\_ Student-at-Law, make oath and say:

1. That under and in pursuance of Articles of Clerkship dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (and an assignment or assignments thereof), I was employed by, and faithfully and diligently served as his articed clerk. \_\_\_\_\_ of \_\_\_\_\_ (and \_\_\_\_\_ of \_\_\_\_\_).

Gentleman, Solicitor of the Supreme Court of Ontario, for the periods of time respectively as follows: The said \_\_\_\_\_ from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (and the said \_\_\_\_\_ from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and the said \_\_\_\_\_, from the \_\_\_\_\_ day \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_), except during the time I was in attendance at Lectures at the Law School and absent from service on leave granted me by my Principal in the Christmas and Summer vacations.

2. That during the said period of service I was not engaged in any business or employment other than that of articled clerk as aforesaid.

3. That since the expiration of my articles I have been engaged in the following business. (*Set forth, or omit if not engaged in any.*)

4. That I am a British subject by birth or naturalization (*as the case may be*).

SWORN before me at  
in the County of  
this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

} \_\_\_\_\_  
}

*A Commissioner, etc.*

N.B.—*The words in brackets must be struck out if the articles have not been assigned.*

FORM 12.

CERTIFICATE OF SERVICE UNDER ARTICLES

IN THE MATTER OF \_\_\_\_\_ a Student-at-Law.  
I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_  
a Solicitor of the Supreme Court of Ontario,  
hereby certify:

1. That the said \_\_\_\_\_ was employed by and faithfully and diligently served me (except as hereinafter

mentioned), as my clerk in the business, practice and profession of a solicitor under and in pursuance of Articles of Clerkship dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (and assigned to me by indenture dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_), from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, inclusive, except during the time when he was in attendance at lectures at the Law School; and on leave in the Christmas and Summer Vacations, granted by me.

2. That except during the time when he was in attendance at lectures at the Law School, or on leave as aforesaid, he was not at any time during the said period of service absent, except as follows: (*Here set out in detail, with dates, all such absences from service and specifying whether with leave or without, or if caused by illness*), from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

3. That the said \_\_\_\_\_ was not, at any time during the said period of service, to my knowledge or belief engaged in any profession, business or employment other than that of Clerk to me or my partner or my Toronto agents.

4. That the said \_\_\_\_\_ is, as I truly believe, a British subject, and that he is a fit and proper person to be called to the Bar and admitted to practice as a solicitor of His Majesty's Courts in Ontario.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

N.B.—Service must be proved, for the proper period, *from the date of admission to the Law Society.*

## FORM 13.

## DIPLOMA OF BARRISTER.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

## BE IT REMEMBERED THAT

having been entered of and admitted into the Law Society of Upper Canada as a Student-at-Law and having been standing on the books of the Society for the prescribed period and having conformed to the Rules of the Society was this day duly called to the Degree of Barrister-at-Law, and was admitted to practice at the Bar of His Majesty's Courts in Ontario by the Benchers of the Law Society of Upper Canada in Convocation, pursuant to the Statutes and the Rules of the Society in that behalf.

(And that for proficiency in his studies he was called with Honours and awarded a                      medal and Scholarship (*or as the case may be.*)

## IN TESTIMONY WHEREOF

the Treasurer of the Law Society of Upper Canada has hereto affixed the Seal of the said Society this day of                      in the year of our Lord One Thousand Nine Hundred and                      , and in the                      year of the reign of His Majesty King George V.

Countersigned

Secretary.

Treasurer.

## FORM 14.

## CERTIFICATE OF FITNESS

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

THESE ARE TO CERTIFY that Mr.                      , of                      , in the County of                      , in this Province, Gentleman, having made proof to the satisfaction of the Society of the due execution of his Articles of Clerkship in the business, profession, and employment of a Solicitor of

the Supreme Court of Ontario, of his due and proper service under the same, and of his having complied with the Statutes and the Rules of the Society in that behalf, he was duly examined touching his fitness and capacity to act as a Solicitor of the Supreme Court of Ontario. And the Society being thereupon satisfied that the said Candidate is duly qualified to act as such Solicitor, THESE ARE FURTHER TO CERTIFY the same in compliance with the directions of the said Statutes and Rules, and to the end that the said Candidate may thereupon apply to the said Court for such admission accordingly.

IN TESTIMONY WHEREOF the Treasurer of the Law Society of Upper Canada has hereto affixed the Seal of the said Society, at Osgoode Hall, this                    day of                   , in the year of our Lord one thousand nine hundred and                   , and in the                    year of His Majesty's Reign.

*Secretary.*

*Treasurer.*

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FORM 15.

(Special Call, etc.)

PETITION FOR CALL AND ADMISSION

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

The Petition of                    of the County of                    in  
the Province of                    respectfully sheweth:—

That your petitioner is a British subject.

That your petitioner was duly called to the Bar and admitted as a Solicitor of                    and is still a member of the said Bar and a Solicitor in good standing, as appears by the Certificate of the Secretary of the Law Society of                   , dated the                    day of                    19                   ; which is submitted herewith.

That your petitioner submits herewith in addition :—

- (a) Declaration of applicant.
- (b) Notice of Intention.
- (c) Notice of Call signed by a Bencher.
- (d) Notice of Presentation signed by a Barrister of Ontario.
- (e) Two letters of good character.
- (f) Bond.
- (g) Articles of Clerkship.
- (h) A cheque for the required fees.

Your petitioner, therefore, prays that he may be called to the Bar of Ontario and admitted to practice as a solicitor.

Dated at                    the                    day of                    , 19                    .

.....  
(Name)

.....  
(Address)

FORM 16.

Special Call &c.

DECLARATION OF APPLICANT

County of  
Province of

In the matter of the applica-  
tion of                    to be Called to the  
Bar, and admitted as a Solicitor,  
of Ontario.

To Wit: )

I,                    of the                    of                    , in the County  
of                    , in the Province of                    ;                    . Do  
solemnly declare that I am a British subject and that  
I was duly Called to the Bar and admitted as a Solicitor  
of                    as appears by the certificate of  
dated the                    day of                    A.D. 19                    , hereto  
annexed.

That I am still a member of the said Bar and a Soli-  
citor of                    in good standing, and since my Call to  
the Bar no application has been made to disbar or





That he was duly enrolled as a Solicitor of the Supreme Court of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_.

And that he is not in arrear in respect of any fees payable by him to this Society.

That since his admission as a Solicitor and Call to the Bar as aforesaid, no adverse application has been made to strike him off the Roll of any Court or otherwise to disqualify him as such Solicitor and that no adverse application had been made to disbar or otherwise disqualify him from practice at the Bar of \_\_\_\_\_ and that no charge is pending against him for professional or other misconduct.

That the Law Society of the Province of \_\_\_\_\_ will admit to its Bar any person Called to the Bar of Ontario, without examination, upon complying with its Rules.

Witness my hand and the official Seal of the Law Society of \_\_\_\_\_ at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_.

-----  
Secretary.

FORM 21

PETITION FOR ADMISSION AS SOLICITOR  
(SPECIAL)

(By Ontario Barristers of five or ten years' standing.)  
Under *The Solicitors' Act*, sec. 4.

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

The Petition of \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ in this Province, gentleman, respectfully sheweth:—

THAT your Petitioner is a British subject and is desirous of being admitted and enrolled as a Solicitor of the Supreme Court of Ontario.

THAT your Petitioner was duly Called to the Bar of Ontario in the month of \_\_\_\_\_, A.D. 19\_\_\_\_, and has practiced as a Barrister at \_\_\_\_\_ in Ontario for \_\_\_\_\_ years previously to the date hereof.

THAT your Petitioner has paid the proper fees in that behalf and has given notice of his intention to apply for a Certificate of Fitness and has filed his application signed by a barrister practising in the County or District in which your Petitioner resides.

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

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness:

-----  
*Applicant.*

FORM 22.

ADMISSION AS SOLICITOR (SPECIAL).

DECLARATION—ONTARIO BARRISTER

PROVINCE OF ONTARIO, ) In the matter of the applica-  
County of \_\_\_\_\_ ) tion of \_\_\_\_\_ to be admitted  
To Wit: ) as a Solicitor.

I, \_\_\_\_\_ of the \_\_\_\_\_ in the County of \_\_\_\_\_ DO SOLEMNLY DECLARE that I am a British subject and that I was duly Called to the Bar of Ontario in \_\_\_\_\_ Term, 19\_\_\_\_, and that I have been in actual practice as a Barrister at \_\_\_\_\_ for \_\_\_\_\_ years previously to the date hereof.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me  
 at  
 in the County of  
 this                      day of  
                             A.D. 19 . }

.....  
*A Commissioner, etc.*

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FORM 23.

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 King'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.

## FORM 24

## PETITION FOR CALL—SPECIAL

(By Ontario Solicitors of five or ten years' standing.)

Under *The Barristers Act*, sec. 3.

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

The petition of \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_  
in this province, gentleman, respectfully  
showeth:

THAT your petitioner is desirous of being called to  
the Bar of Ontario,

THAT your petitioner is a British subject and was  
duly admitted and enrolled as a Solicitor of the  
Supreme Court of Ontario on the \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 19 \_\_\_\_\_, and has been in actual practice  
as a Solicitor at \_\_\_\_\_ for \_\_\_\_\_ years previously  
to the date hereof.

THAT your petitioner has given to the Secretary of  
the Society notice of his intention to apply for Call to  
the Bar and notice of presentation signed by a barrister  
practising in the County or District in which your  
petitioner resides and has paid the fees prescribed in  
that behalf.

Your petitioner, therefore, respectfully prays, that  
his qualifications being first examined and found suf-  
ficient according to the Rules of the Society in that  
behalf, he may be called to the Bar accordingly; and  
he doth hereby undertake and promise that he will  
faithfully and truly submit and conform himself to  
obey, observe, perform, fulfill 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.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_\_ .  
Witness:

.....  
Name.

.....  
Address.

## FORM 25.

## DECLARATION—ONTARIO SOLICITOR.

PROVINCE OF ONTARIO, ) In the matter of the applica-  
 County of ) tion of to be  
 To Wit:) called to the Bar of Ontario.

I, of the in the County of  
 DO SOLEMNLY DECLARE that I am a British subject and  
 that I was duly admitted and enrolled as a solicitor of  
 the Supreme Court of Ontario on the day  
 of A.D. 19 , and I have been in actual  
 practice as a Solicitor at for years  
 previously to the date hereof.

AND I make this solemn declaration, conscientiously  
 believing it to be true, and knowing that it is of the  
 same force and effect as if made under oath, and by  
 virtue of the Canada Evidence Act.

DECLARED before me  
 at  
 in the County of  
 this day of  
 A.D. 19 .

*A Commissioner, etc.*

# AN ACT RESPECTING THE LAW SOCIETY OF UPPER CANADA

R.S.O. (1927) CHAPTER 192.

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

1. In this Act, "The Society" shall mean "The Law Society of Upper Canada." R.S.O. 1914, c. 157, s. 2.

## LAW SOCIETY CONTINUED.

2. The treasurer and benchers of the Society, and their successors, shall be a body corporate and politic, by the name of "The Law Society of Upper Canada," and may purchase, acquire, take by gift, bequest, donation or otherwise, for the purposes of the Society but for no other purpose, and may sell, mortgage, lease or dispose of any real or personal property. R.S.O. 1914, c. 157, s. 3, *part*.

3. The judges of the Supreme Court shall be visitors of the Society. R.S.O. 1914, c. 157, s. 5.

4. Members of the Bar of Ontario, and persons admitted to the Society as students at law, shall be members of the Society. R.S.O. 1914, c. 157, s. 6.

## ELECTION OF BENCHERS.

5. The following, if and while continuing members of the Bar of Ontario, shall, *ex-officio*, be benchers of the Society:

- (a) The Minister of Justice, the Solicitor-General of Canada, and every person who has held either of those offices;
- (b) The Attorney-General of Ontario, and every person who has held that office;
- (c) Every person who has for seven consecutive years held the office of treasurer of the Society;

- (d) Every person who has been elected a bencher at four quinquennial elections;
- (e) Every retired judge of the Supreme Court of Canada or of the Exchequer Court of Canada who was at the time of his appointment a member of the Bar of Ontario; and
- (f) Every retired judge of the Supreme Court of Ontario. R.S.O. 1914, c. 157, s. 7 (1, 2), *part*; 1914, c. 2, Sched. (27).

6. The benchers, exclusive of the *ex-officio* members, shall be thirty in number, and shall be elected from the members of the Bar as hereinafter provided. R.S.O. 1914, c. 157, s. 8.

7.—(1) The benchers shall, during the month of February next preceding an election, appoint, with their assent, two members of the Bar, who, with the treasurer, shall act as scrutineers at the election, and who shall not be eligible for election to the office of bencher, and a third person, who shall be a member of the Bar and not a candidate, and assist the treasurer and act for him in his absence, in counting the votes. R.S.O. 1914, c. 157, s. 9 (1), *part*.

(2) The treasurer may fill any vacancy in the office of scrutineer, and if he sees fit may appoint temporarily any qualified person to act as substitute for any scrutineer or other person appointed during the absence of such person. R.S.O. 1914, c. 157, s. 9 (2).

8.—(1) An election shall be held on the first Thursday after the second Wednesday in April, 1931, and the subsequent elections shall be held on the first Thursday after the second Wednesday in April of every fifth year thereafter; but if 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. R.S.O. 1914, c. 157, s. 10 (1), *part*.

(2) If any scrutineer is absent during the scrutiny the others may proceed therewith. R.S.O. 1914, c. 157, s. 10 (2).

**9.** Every person who is a member of the Bar in good standing and not in arrears for fees to the Society shall be an elector qualified to vote for thirty persons for benchers pursuant to this Act. R.S.O. 1914, c. 157, s. 11.

**10.—(1)** The secretary shall, in the month of January, previous to the time for holding an election, make out and sign an alphabetical list of the members of the Bar who are entitled to vote at such election. R.S.O. 1914, c. 157, s. 12 (1), *part.*

(2) Such list may be examined by any member of the Bar at all reasonable times at the office of the secretary, and if, within fifteen days after the last day of January, a member of the Bar complains to the secretary, in writing, of the improper omission or insertion of any name in the list, the secretary shall forthwith examine into the complaint and rectify the error if any there be. R.S.O. 1914, c. 157, s. 12 (2), *part.*

(3) If any person is dissatisfied with the decision of the secretary, he may appeal to the scrutineers, whose decision shall be final, and the list shall remain or be altered in accordance with their decision, and the list as it stands on the 5th day of March shall be signed by the secretary and scrutineers and shall be the settled list of persons entitled to vote at the election. R.S.O. 1914, c. 157, s. 12 (3).

(4) The secretary shall add to the list the names of all persons called to the Bar after the last day of January and before the day fixed for the receipt of nomination papers; and no alteration shall be made in the list except as provided in this section. R.S.O. 1914, c. 157, s. 12 (4), *part.*

**11.** No person shall be eligible as a bencher at any election who is not qualified to vote at the election. R.S.O. 1914, c. 157, s. 13.

**12.** At all elections retiring benchers shall be eligible for re-election. R.S.O. 1914, c. 157, s. 14.

**13.**—(1) No person shall be elected as a bencher unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void.

(2) The nomination shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election.

(3) The nomination paper shall be delivered at the office of the secretary or sent by mail to him, so as to be received during the first fifteen days of the month of March of the year in which the election is to take place, and if not so delivered or received shall be invalid and shall not be acted upon.

(4) The secretary shall, within the first four days after the last day for the receipt of nomination papers, mail notice in writing to each nominee informing him of his nomination, but the failure to mail such notice or the non-receipt thereof by the nominee shall not invalidate the election.

(5) Any person who is nominated may refuse to become a candidate, and he shall be deemed not to have been so nominated and his name shall not be included in the lists of candidates if he notifies the secretary in writing of his refusal within four days after the mailing of such notice to him.

(6) If the number of persons who remain as candidates is not greater than the number of benchers to be elected they shall be elected benchers. R.S.O. 1914, c. 157, s. 15.

**14.** In case a poll is necessary the secretary shall forthwith, after the time for receiving notice of refusal to be a candidate has expired, send to each member of the Bar, whose name is on the list of persons entitled to vote, if his residence is known to the secretary, one copy of the form of voting paper with a list of the candidates which shall indicate by asterisks and a footnote those whose term of office as benchers is about to expire. R.S.O. 1914, c. 157, s. 16, *part*.

**15.** The votes shall be given by closed voting papers, Form 1, delivered at the office of the secretary or sent

by mail to him so as to be received thereat not later than the second Wednesday of April of the year of the election. R.S.O. 1914, c. 157, s. 17.

**16.** Beginning on the first Thursday after the second Wednesday in April and proceeding continuously thereafter, except on holidays, the voting papers shall be opened by the secretary in the presence of the treasurer or the person appointed to assist him, and of the scrutineers who shall scrutinize and count the votes and keep a record thereof in a book to be provided by the Society. R.S.O. 1914, c. 157, s. 18.

**17.** A vote cast for any person who is not upon the list of candidates or 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 vote had not been cast. R.S.O. 1914, c. 157, s. 19, *part*.

**18.** In the event of a voter placing more than thirty names on his voting paper the first thirty only shall be counted, notwithstanding that any of the thirty persons so named may be ineligible for election or is not a candidate or is an *ex-officio* bencher. R.S.O. 1914, c. 157, s. 20, *part*.

**19.** If an equality of votes between two or more persons leaves the election of one or more benchers undecided the 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 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 declared to have been elected as benchers. R.S.O. 1914, c. 157, s. 21.

**20.—(1)** The thirty persons who have the highest number of votes shall be declared by the secretary to have been elected as benchers for the ensuing term of five years.

(2) If among the thirty persons who have the highest number of votes there is any bencher who by virtue of such election becomes *ex-officio* a bencher, the scrutineers shall so report and, subject to the provisions of section 17, the thirty other persons having the highest number of votes shall be declared to have been elected as benchers for the ensuing term of five years. R.S.O. 1914, c. 157, s. 22.

**21.** Any person entitled to vote at any such election shall be entitled to be present at the counting of the votes. R.S.O. 1914, c. 157, s. 23.

**22.** If from any cause any election provided for by this Act is not held as hereinbefore provided the benchers in convocation shall make provision for holding the same and fix the dates for the nomination and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, so far as practicable, be conformable with those provided by this Act. R.S.O. 1914, c. 157, s. 24.

**23.** Upon the completion of the scrutiny and counting of the votes the secretary shall forthwith declare the result of the election as certified by the scrutineers and report the same to the Society, and shall cause the names of the persons elected to be published in the next issue of the *Ontario Gazette*. R.S.O. 1914, c. 157, s. 25.

**24.** The benchers may make such regulations as they consider expedient, not contrary to the provisions of this Act, for regulating the procedure under the preceding sections, and for the remuneration of the scrutineers. R.S.O. 1914, c. 157, s. 26.

**25.** Until after all petitions in respect to the election have been decided the voting papers relating to the election shall not be destroyed, but together with all other papers in connection with the election, shall be retained by the secretary. R.S.O. 1914, c. 157, s. 27.

**26.** No person shall sign the name of any other person to a voting paper, 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. 1914, c. 157, s. 28.

**27.** Where the office of secretary is vacant or if the secretary is unable from any cause to act at or in connection with an election, the treasurer shall appoint under his hand some other person to act as secretary *pro tempore*, and the person so appointed shall perform all the duties of the secretary, as prescribed by this Act. R.S.O. 1914, c. 157, s. 29.

**28.** The elected benchers shall take office at the first meeting following their election, and, subject to the provisions of this Act, shall hold office until their successors are elected. R.S.O. 1914, c. 157, s. 30, *part*.

**29.**—(1) The seat of a bencher, other than an *ex-officio* bencher, who has failed to attend the meetings of the benchers for nine consecutive meetings shall at the expiration of that period *ipso facto* become vacant. R.S.O. 1914, c. 157, s. 31 (1), *part*.

(2) The right of any bencher who is such *ex-officio* by reason of having been elected at four quinquennial elections, to sit and vote at meetings of the benchers, shall be suspended if and while he is in default in payment of any fees to the Society. R.S.O. 1914, c. 157, s. 31 (2).

**30.** The benchers may appoint a committee to inquire with respect to the due election of any bencher whose election may be petitioned against by any member of the Bar who voted at the election, and, after such inquiry, to report such bencher as duly or not duly elected or qualified according to the fact, and, if necessary, to report the name of the candidate having the highest number of votes next after the candidate declared elected who had the lowest number of votes, in lieu of the person reported not duly elected or qualified; and, on the confirmation of the report by the

benchers, other than persons petitioned against, present at any meeting called for that purpose, the person so reported in lieu of the person petitioned against shall be deemed to be the duly elected and qualified bencher. R.S.O. 1914, c. 157, s. 32, *part.*

**31.**—(1) A petition shall not be entertained unless it is filed with the secretary before the 10th day of May next succeeding the election, and contains a statement of the grounds on which the election is disputed, nor unless a copy thereof is served upon the bencher whose election is disputed before the 15th day of May; and no ground not mentioned in the petition shall be entertained on the hearing thereof. R.S.O. 1914, c. 157, s. 33 (1), *part.*

(2) The benchers, or the committee appointed for that purpose, shall before the last day of the said month, appoint a day for the hearing of the petition and give notice of such day to the petitioner and to the person whose election is disputed, and all such petitions shall be finally disposed of within one month from the date of filing. R.S.O. 1914, c. 157, s. 33 (2), *part.*

**32.** The petitioner shall deposit with the secretary \$100 to meet any costs which the bencher petitioned against may in the opinion of the committee before which the petition is heard to be put to; and the committee shall have power in the event of such petition being dismissed to award such a 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 it being decided that such bencher was 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. 1914, c. 157, s. 34.

**33.**—(1) The benchers shall, at their first meeting after the election, elect one of their number as treasurer, who shall be the president of the Society, and shall hold office until the appointment of his successor; and the election of treasurer shall take place in each

year thereafter at such time as may be appointed by the rules of the Society.

(2) The retiring treasurer shall be eligible for re-election. R.S.O. 1914, c. 157, s. 35.

**34.** In case of failure to elect the requisite number of duly qualified benchers under the provisions of this Act, or in case of any vacancy owing to the death or resignation of any bencher, or to any other cause, the remaining benchers shall, at the next regular meeting, or at a meeting specially called for the purpose, supply the deficiency in the number of benchers, or fill the vacancy by electing any person or persons duly qualified under the provisions of this Act; and the person or persons so elected shall hold office until the next quinquennial election. R.S.O. 1914, c. 157, s. 36, *part.*

#### POWERS OF THE BENCHERS.

**35.** The benchers may make rules for the government of the Society, and other purposes connected therewith under the inspection of the visitors. R.S.O. 1914, c. 157, s. 37.

**36.** The benchers may by rule fix or change the dates for the doing of any act, or the giving of any notice which by this Act is to be done or given in or with reference to any term, but no such rule shall have the effect of prolonging the term of office of any elected bencher. R.S.O. 1914, c. 157, s. 38, *part.*

**37.** On the hearing of an 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, or under the hands 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 Supreme Court. R.S.O. 1914, c. 157, s. 39.

**38.** The benchers may appoint such officers and servants as they may deem necessary for the purposes of the Society. R.S.O. 1914, c. 157, s. 40.

**39.** The benchers may appoint examiners to conduct the examination of students at law and of persons applying to be called to the bar or to be admitted as solicitors. R.S.O. 1914, c. 157, s. 41, *part.*

**40.** The benchers may make rules for the improvement of legal education including the establishment and maintenance of a law school; appoint a dean and lecturers with salaries; impose fees and prescribe rules for the attendance of students and others at lectures and for examinations thereon, but not so as to reduce the number of years prescribed by statute for call to the bar or admission as solicitor, and may establish scholarships and prizes. R.S.O. 1914, c. 157, s. 42, *part.*

**41.—(1)** The benchers may make such rules as they consider necessary for conducting the examination of persons applying to be called to the Bar and may call and admit to the practise of the law as a barrister any person duly qualified to be so called and admitted according to the provisions of law and the rules of the Society. R.S.O. 1914, c. 157, s. 43 (1).

(2) The benchers may make rules providing for the admission of women to practise as barristers and solicitors. R.S.O. 1914, c. 157, s. 43 (2), *part.*

**42.—(1)** The benchers with the approbation of the visitors may make such rules as they consider necessary for conducting the examination of persons applying to be admitted as solicitors, touching the articles and service, and the certificates required to be produced by them before their admission, and as to the fitness and capacity of such persons to act as solicitors.

(2) 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 granting or refusing a certificate. R.S.O. 1914, c. 157, s. 44.

**43.** The benchers may make rules and regulations, not contrary to law, and dispense therewith from time

to time to meet the special circumstances of any special case respecting,—

- (a) the admission of students-at-law, the periods and conditions of study, the call or admission of barristers to practise the law, and all other matters relating to the discipline and honour of the Bar;
- (b) the service of students-at-law, the period and conditions of such service, and the admission of solicitors to practise in the Court, and all other matters relating to the discipline and conduct of solicitors and students. R.S.O. 1914, c. 157, s. 45, *part*.

**44.** No rule, regulation or by-law affecting the admission of students-at-law, or the call or admission of barristers or solicitors hereafter made by the benchers or the Society shall have any force or validity, or be dispensed with unless approved by the Lieutenant-Governor in Council. 1927, c. 28, s. 11.

**45.** Where a barrister, solicitor, or student-at-law is found by the benchers, after due inquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a barrister, solicitor or student-at-law, the benchers may disbar any such barrister, or suspend him from practising as a barrister for such time as they may deem proper; may resolve that any such solicitor is unworthy to practise as a solicitor or that he should be suspended from practising for a period to be named in the resolution; may expel from the Society, and the membership thereof, such student and strike his name from the books of the Society; or may refuse either absolutely or for a limited period to admit such student to the final examinations, or to grant him the certificate of fitness, necessary to enable him to be admitted to practise. R.S.O. 1914, c. 157, s. 46, *part*.

**46.** Upon a barrister being debarred, all his rights and privileges as a barrister shall thenceforth cease and determine, or, in case he is suspended, he shall, during the period of his suspension, possess no rights or privileges as a barrister, and notice of his being disbarred or suspended shall forthwith be given by

the secretary to the senior Registrar of the Supreme Court. R.S.O. 1914, c. 157, s. 47.

**47.** Where it has been resolved by the benchers that a solicitor is unworthy to practise a copy of the resolution shall forthwith be communicated to the senior registrar of the Supreme Court. R.S.O. 1914, c. 48 (1), *part*.

**48.** Upon receipt of any notice under either of the two preceding sections an order shall be drawn up by the senior registrar of the Supreme Court without any formal motion striking such barrister or solicitor off the roll or suspending him, as may have been determined by the benchers, but any such order may be set aside or varied at any time by the court. R.S.O. 1914, c. 157, s. 48. (1), *part*.

**49.** Any powers which the visitors of the Society may have in matters of discipline are hereby vested in the benchers, and the powers by the next preceding three sections conferred upon the benchers may be exercised by them without reference to or the concurrence of the visitors. R.S.O. 1914, c. 157, s. 49.

#### COUNTY LAW LIBRARIES.

**50.** The benchers may make regulations for promoting the efficiency of county law libraries, and may prescribe and enforce remedies for the violation thereof, and may by resolution of convocation cause to be dissolved any country law library association which neglects or refuses to comply with such regulations. R.S.O. 1914, c. 157, s. 50.

#### LAW BENEVOLENT FUND.

**51.** The benchers may establish a fund for the benefit of the widows and orphans of barristers and solicitors, to be called "The Law Benevolent Fund," and may make all necessary rules and regulations for the management and investment of such fund, and the terms of subscription and appropriation thereof, and the conditions under which such widows and orphans shall be entitled to share in such fund. R.S.O. 1914, c. 157, s. 51.

## REPORTERS.

**52.**—(1) The benchers may appoint such person or persons, being members of the Society of the degree of barrister, as they may think proper to report and edit the decisions of the courts.

(2) Such person or persons shall hold office at the pleasure of the benchers, and shall be amenable to them in convocation, for the correct and faithful discharge of their duties according to such regulations as the benchers may make in respect thereof.

(3) The benchers shall make regulations for printing and publishing the reports of such decisions, and the distribution of the reports and the price and mode of issuing the same, 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 Society.

(4) The benchers shall determine the salaries to be allowed for such reporting and editing and shall pay the same out of the general funds of the Society. R.S.O. 1914, c. 157, s. 52.

## REVENUE AND EXPENDITURE.

**53.** The fees payable by barristers on call to the Bar and annually, and by solicitors on admission, and for the annual certificate to practise, and by students on admission as such, and by them and others on examinations and attendance on lectures and readings, shall be paid into the general funds of the Society, and shall be such as the benchers may prescribe. R.S.O. 1914, c. 157, s. 53, *part.*

**54.**—(1) The benchers may from time to time fix and adjust by rule the limits of the Society's financial year and shall cause the revenues and expenditures of the Society for each financial year as so fixed to be duly audited by an auditor appointed by the benchers to audit the accounts and report upon the finances of the Society.

(2) The statement, together with the report of the auditor, shall be furnished annually, within three

months after the close of the financial year, to every member of the Society entitled to vote at an election of benchers. See R.S.O. 1914, c. 157, s. 54; 1915, c. 26, s. 2.

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SCHEDULE.

FORM 1.

(SECTION 15.)

VOTING PAPER.

*Law Society Election, 19*

The appointed scrutineers for this election are Mr. \_\_\_\_\_ of \_\_\_\_\_, and Mr. \_\_\_\_\_ of \_\_\_\_\_  
I, \_\_\_\_\_, of the \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, Barrister, do hereby declare—

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

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

A.B., of \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_  
C.D., of \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_  
etc. \_\_\_\_\_ etc.

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

4. That this voting paper is signed on the day of the date thereof.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
R.S.O. 1914, c. 157, sched. Form 1.

## AN ACT RESPECTING BARRISTERS- AT-LAW

R.S.O. (1927) CHAPTER 193.

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

**1.** In this Act “The Society” shall mean The Law Society of Upper Canada. R.S.O. 1914, c. 158, s. 2.

**2.** The benchers of the Law Society may make such rules, regulations or by-laws as shall to them seem necessary and proper touching the call or admission of any persons, being British subjects or residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects, to practise at the Bar in His Majesty’s courts of Ontario and such persons and no others shall be entitled to practise within the said courts, but no such rule, regulation or by-law shall have any force or validity unless approved by the Lieutenant-Governor in Council. 1927, c. 28, s. 12.

**3.—(1)** Persons who have been duly admitted and enrolled as solicitors of the Supreme Court, and who have practised as solicitors in Ontario for the periods respectively hereinafter mentioned, and who are British subjects, may be admitted to practise at the Bar of His Majesty’s Courts in Ontario on the terms and conditions hereinafter mentioned.

(2) A solicitor who has been, previous to the time of filing his application for call, in actual practice for ten years or more shall be entitled to be called to the Bar without further examination.

(3) A solicitor who has been, previous to the time of filing his application for call, in actual practice for five years or more, but less than ten years, shall be entitled to be called on passing such examination as may be required by the Society for such cases.

(4) For the purpose of this section a solicitor holding any office in the Supreme Court or either division thereof to which he is appointed by the Crown, shall be deemed to have been in actual practice within the meaning of this Act while holding such office.

(5) Notice of the intention of a candidate to apply for call, under the provisions of this section, shall be sufficient if written notice be given to the secretary of the Society as in the case of a student-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 his opinion, a fit and proper person to be called to the Bar.

(6) Every such solicitor, before being called to the Bar, shall pay such fees only as are paid on call to the Bar in ordinary cases. R.S.O. 1914, c. 158, s. 4.

4. Any person who is or has been Minister of Justice of Canada or Solicitor-General of Canada shall be entitled to be called to the Bar of Ontario without complying with any of the rules of the Society as to admission, examinations, payment of fees or otherwise, and shall thereupon be entitled to practise at the Bar in His Majesty's Courts in Ontario. R.S.O. 1914, c. 158, s. 5.

#### KING'S COUNSEL AND PRECEDENCE.

5. The Lieutenant-Governor may by letters patent under the Great Seal, appoint from the members of the Bar of Ontario such persons as he may deem proper to be, during pleasure, provincial officers under the name of "His Majesty's Counsel learned in the law" for Ontario. R.S.O. 1914, c. 158, s. 6, *part*.

6.—(1) From and after the time when this section comes into force no appointment of His Majesty's Counsel learned in the law shall be made by the Lieutenant-Governor in Council beyond the number of five in any one year, or twenty in any four years, save and except in the following cases:—

- (a) That of any person who may be appointed Minister of Justice or Solicitor-General of Canada, or Attorney-General of Ontario;

(b) That of any person appointed by the Governor-General in Council, for the Federal Courts, one of His Majesty's Counsel learned in the Law.

(2) Except in the cases mentioned in clauses *a* and *b* no person shall be so appointed who is not of at least ten years' standing at the Bar of Ontario.

(3) This section shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation. R.S.O. 1914, c. 158, s. 7.

**7.** The following members of the Bar of Ontario shall have precedence in the Courts of Ontario in the following order:—

- (a) The Minister of Justice of Canada for the time being;
- (b) The Attorney-General of Ontario;
- (c) The members of the Bar who have filled the office of Minister of Justice of Canada or Attorney-General of Ontario according to seniority of appointment;

**8.** The Lieutenant-Governor by letters patent under the Great Seal, may grant to any member of the Bar a patent of precedence in the Courts of Ontario. R.S.O. 1914, c. 158, s. 9.

**9.** King's Counsel for Ontario shall have precedence in the courts according to seniority of appointment unless otherwise provided in the letters patent. R.S.O. 1914, c. 158, s. 10, *part*.

**10.** The remaining members of the Bar shall, as between themselves, have precedence in the courts in the order of their call to the Bar. R.S.O. 1914, c. 158, s. 11.

**11.** Nothing in this Act shall affect or alter any rights of precedence which appertain to any member of the Bar when acting as Counsel for His Majesty, or for any Attorney-General of His Majesty, in any matter depending in the name of His Majesty or of the Attorney-General before the courts, but such right and precedence shall remain as if this Act had not been passed. R.S.O. 1914, c. 158, s. 12.

## AN ACT RESPECTING SOLICITORS

R.S.O. (1927) CHAPTER 194.

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

1. In this Act,

- (a) “Rules of the Society” shall mean rules, regulations and by-laws made by the benchers of the Society under *The Law Society Act*;
- (b) “The Society” shall mean The Law Society of Upper Canada; R.S.O. 1914, c. 159, s. 2, cls. (a, b).

2. Every solicitor shall be an officer of the Supreme Court; and that Court or any judge thereof, may exercise the same jurisdiction in respect of solicitors as a superior court or a judge thereof before the 22nd day of August, 1881, might have exercised in respect of any solicitor or attorney admitted to practise therein. R.S.O. 1914, c. 159, s. 5 (3), *part*.

3. The benchers of the Law Society may make such rules, regulations or by-laws as shall to them seem necessary and proper touching the admission of any persons, being British subjects or residents of Ontario who have taken the oath of allegiance and have declared their intention to become British subjects, who may be admitted and enrolled as solicitors, and such persons and no others shall be entitled to practise as solicitors in Ontario, but no such rule, regulation or by-law shall have any force or validity unless approved by the Lieutenant-Governor in Council. 1927, c. 28, s. 13.

4.—(1) Any person who has been duly called to the Bar of Ontario, and who has practised as a barrister in Ontario for the periods respectively hereinafter mentioned, may be admitted and enrolled as a solicitor on the terms and conditions hereinafter mentioned.

(2) Where, previous to the time of filing his application for a certificate of fitness, he has been in actual practice for ten years or more he shall be entitled to such certificate without any examination.

(3) Where, previous to the time of filing his application for certificate for fitness, he has been in actual practice for five years or more, but for less than ten years, he shall be entitled to the certificate on passing such examination as may be prescribed by the Society for such cases. R.S.O. 1914, c. 159, s. 7 (1-3).

(4) Notice of the intention of the candidate to apply for a certificate of fitness under the provisions of this section shall be in writing signed by the applicant, and shall be given by him to the secretary of the Society at least fourteen days before the next meeting of convocation at which such candidate seeks admission; and the application for the certificate 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 his opinion, a fit and proper person to be admitted and enrolled as a solicitor.

(5) Every such barrister, before obtaining the certificate, shall pay such fees only as are payable by a student-at-law in ordinary cases of being admitted as a solicitor. R.S.O. 1914, c. 159, s. 7 (4, 5), *part*.

5. A person who has been called to the Bar of Ontario under any provision heretofore or hereafter made for the admission of practitioners in law, or students, from the Province of Quebec shall be entitled to be admitted as a solicitor upon payment of the usual fees. R.S.O. 1914, c. 159, s. 9, *part*.

#### PROHIBITION AGAINST PRACTISING WHEN UNQUALIFIED.

6. 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 or defend any action, or proceeding in the name of any other person,

or in his own name, or hold himself out as or represent himself to be a solicitor. R.S.O. 1914, c. 159, s. 3.

7. If any person, unless himself a party to the proceeding, commences, prosecutes or defends in his own name, or that of any other person, any action or proceeding without having been admitted and enrolled as hereinafter provided, he shall be incapable of recovering any fee, reward or disbursements on account thereof, and shall be guilty of a contempt of the court in which such proceeding was commenced, carried on or defended, and punishable accordingly. R.S.O. 1914, c. 159, s. 4.

[As to practising in division courts see *The Division Courts Act, Rev. Stat. c. 95, s. 102*, and as to proceedings to enforce claims of lienholders for sums not exceeding \$100 under *The Mechanics' Lien Act, see Rev. Stat. c. 173, s. 35 (6)*.]

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

8. Subject to the rules of the Society under *The Law Society Act*, the following enactments are made with respect to the service of students-at-law :

- (a) The contract of service of a student-at-law and any assignment thereof, together with the affidavit of execution of such contract or assignment, which shall state the date of such execution, shall be filed within three months after the execution thereof respectively, in the Central Office of the Supreme Court and the proper officer shall endorse upon each document and sign a memorandum of the date of filing thereof ;
- (b) If the contract of assignment with the affidavit of execution is not filed within three months after the date of the contract or assignment the same may nevertheless be filed, but the service of the clerk shall be reckoned only from the date of the filing, unless the benchers in their discretion for special reasons in any particular case, shall otherwise order ;

- (c) A solicitor may have under contract in writing four students at one time and no more; and no solicitor shall have any student so bound after he has discontinued practice as a solicitor, nor while the solicitor is employed as a writer or clerk by any other solicitor, and the service by an articulated clerk to a solicitor under any such circumstances shall not be deemed good service under the articles;
- (d) If a solicitor, before the determination of the contract of service, becomes bankrupt or takes the benefit of any Act for the relief of insolvent debtors, or has been imprisoned for twenty-one days, the Supreme Court, upon the application of the student, may order that the contract be discharged or be assigned to such person, upon such terms, and in such manner as the Court may deem proper;
- (e) If a solicitor, to whom a student 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 if the student is legally discharged before the expiration of the term by an order of the Court, the student may be bound by another contract in writing to serve as student to any other practising solicitor during the residue of the term; and if an affidavit of the execution of such last mentioned contract is duly made and filed within the time and in the manner hereinbefore prescribed, and subject to the like regulations as in the case of the original contract and the affidavit of its execution, due service under such subsequent contract shall be sufficient. R.S.O. 1914, c. 159, s. 10, *part.*

#### CONDITIONS OF ADMISSION AS SOLICITORS.

9.—(1) Subject to the rules of the Society no student shall be admitted and enrolled as a solicitor unless,—

- (a) during the time specified in his contract of service he has duly served thereunder, and,

except while attending the courses of lectures at the Law School and undergoing examinations as prescribed by the Rules of the Society, he has been during the whole of such term of service actually employed in the proper practice 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; and

- (b) he has been examined and sworn in the manner hereinafter directed; and
- (c) at least fourteen days next before the first day of the term in which he seeks admission, he has left with the secretary of the Society his contract of service, and any assignment thereof and the affidavits of the execution of the same with his affidavit of due service thereunder, and a certificate of the solicitor to whom he was bound, or his Toronto agent 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 or taken such degree or a duly certified copy of such certificate.

(2) The affidavits shall be in the form prescribed by the Society and shall be delivered by the applicant to the Society upon his application to be examined.

(3) If the contract of service, assignment, if any, affidavits and certificate of due service, or any of them, cannot be produced the Society, on application by a petition verified by affidavit to be left with the secretary at least fourteen days before the first day of the term on which the applicant seeks admission, and 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 certificate of fitness.

(4) The benchers may allow a student, as part of his term of service, any time during which such stu-

dent may have been employed on active military service. R.S.O. 1914, c. 159, s. 11, *part*.

#### ADMISSION AND ENROLMENT.

#### 10. Subject to the rules of the Society,—

- (a) where the benchers require that students shall pass a preliminary examination the term of service under articles to entitle a student to be admitted as a solicitor shall date only from the passing of such examination or his admission into the Society as a student-at-law;
- (b) no candidate for admission being a student-at-law or articled clerk who has served under articles for the prescribed period shall be admitted or enrolled as a solicitor unless he has complied with the regulations of the Society as to the attendance at lectures and the passing of examinations. R.S.O. 1914, c. 159, s. 12, *part*.

11.—(1) Subject to the rules of the Society no candidate for admission not being a student-at-law or articled clerk who has served under articles for the prescribed period shall be admitted unless,

- (a) he publishes in the *Ontario Gazette* for at least two months previously to the first day of the term in which he seeks admission notice of his intention to apply for admission;
- (b) nor, except in the case of a person who has been called to the Bar of Ontario, unless he, at least fourteen days after the meeting of convocation, leaves with the secretary of the Society;
  - (i) in the case of a barrister, sufficient evidence to the satisfaction of the benchers of his call to the Bar and an affidavit to their satisfaction stating whether any application is made or is pending to disbar him, disqualify him for misconduct, or otherwise from practising at the Bar;

- (ii) in the case of an attorney, solicitor or writer to the signet, sufficient evidence to the satisfaction of the benchers of his admission and an affidavit of the candidate to their satisfaction stating whether any application has been made or is pending to strike him off the Roll or disqualify him for misconduct or otherwise from practising as a solicitor ;
- (iii) in every case testimonials of good character and conduct to the satisfaction of the benchers.

(2) The affidavit shall be made within three months of the meeting of convocation during which the application is made. R.S.O. 1914, c. 159, s. 13, *part.*

**12.** The benchers, upon proof to their satisfaction of the requirements 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 candidate for admission as a solicitor ; and if satisfied by such examination, or by the certificate of the examiners mentioned in section 39 of *The Law Society Act*, that the candidate is duly qualified, fit and competent to act as a solicitor the Society shall give a certificate under its corporate seal of his due service, 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 qualified to be admitted as a solicitor. R.S.O. 1914, c. 159, s. 14.

**13.—(1)** Upon production to the Supreme Court of such certificate of fitness the presiding judge shall endorse his fiat of admission upon it ; and thereupon the oath of allegiance and the oath of office having been administered in open Court to the person named in the certificate the Court may cause him to be admitted and his name to be enrolled as a solicitor.

(2) A certificate of admission shall be signed by one of the registrars of the Supreme Court, and the certificate of fitness shall be filed in the proper office of the Supreme Court.

(3) The oath of office shall be as follows:—

“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. 1914, c. 159, s. 15.

#### FEEES.

**14.** The following fees, and no other, shall be payable to the Crown under this Act:—

1. On filing articles or assignments (if any) with affidavit of execution, and making the endorsements required by this Act ..... \$0 50
2. For fiat, the admission, oath and certificate 5 50  
R.S.O. 1914, c. 159, s. 16.

#### ANNUAL CERTIFICATES.

**15.** The officer of the Supreme Court who has the custody of the roll of solicitors shall, on the first day of every month, deliver to the secretary of the Society at its office in Osgoode Hall, certified under his hand and the seal of the Supreme Court, a copy of so much of the roll as contains the names of solicitors admitted to practise during the preceding month. R.S.O. 1914, c. 159, s. 17.

**16.** 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. 1914, c. 159, s. 18.

**17.** 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 1st day of February, furnish to the senior registrar of the Supreme 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 such list 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. 1914, c. 159, s. 19, *part*.

**18.** Every practising solicitor whose name appears on the roll of solicitors shall obtain from the secretary, annually during the two weeks next preceding the last day of November, a certificate under the seal of the Society stating that he is a practising solicitor of the Supreme Court. R.S.O. 1914, c. 159, s. 20, *part*.

**19.** A certificate shall not be issued to a solicitor who is indebted to the Society for any 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. 1914, c. 159, s. 21.

**20.** A solicitor admitted in or after November shall not be required to take out his annual certificate before November in the year next following the year of his admission. R.S.O. 1914, c. 159, s. 22, *part*.

**21.** If a solicitor omits to take out his annual certificate within the prescribed period he shall not be entitled thereto until he pays to the Society not only the prescribed certificate fee, together with any other fees which he owes to the Society, but also an additional sum by way of penalty, as follows:

If such certificate is not taken out before the first Monday in February, the sum of \$6; if not before the third Monday in May, the sum of \$9; and if not before the second Monday in September, \$12. R.S.O. 1914, c. 159, s. 23.

**22.** 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 Supreme Court, or in a county, or district court, or in a surrogate court without such certificate being taken out by him, and by each member of his firm, he shall forfeit the sum of \$40, which shall be paid to the Society, and may be recovered in the Supreme Court. R.S.O. 1914, c. 159, s. 24.

**23.** If a solicitor practises in any such court without having taken out such certificate in each and every year of his practice he shall be liable to be suspended from practice by order of the Supreme Court for a period of not less than three nor more than six months, and shall continue so suspended until his certificate fee for the year in which he so practised, together with a penalty of \$40, is paid to the Society. R.S.O. 1914, c. 159, s. 25.

**24.** The officer having the control and superintendence of the Central Office, and every local registrar, and every deputy clerk of the Crown, and deputy registrar, and every clerk of a county or district court, and every registrar of the surrogate court, when the said offices are not held by the same person, shall, during the month of January in each year make out a list of the names of solicitors who, by the papers or proceedings filed or had in his office, appear to have practised at any time during the year ending with the 31st day of December next preceding, and shall, on or before the 1st day of February in the year next after that for which the list is made up, transmit such list certified under his hand and the seal of the court to the secretary of the Society. R.S.O. 1914, c. 159, s. 26.

**25.—(1)** A solicitor who is a prisoner in any gaol or prison shall not during his confinement therein, nor shall any solicitor who has been suspended from practising during the period of his suspension, commence, prosecute or defend as such solicitor any action in any court nor act in any matter in bankruptcy or insolvency.

(2) A 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 are taken, and shall be punishable by such court accordingly.

(3) A 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 in his own name or in the name of any other solicitor while so imprisoned or suspended. R.S.O. 1914, c. 159, s. 27.

**26.**—(1) A solicitor shall not knowingly act as the professional agent of any person not duly qualified to act as a solicitor, or suffer his name to be used in any such agency on account of or for the profit of an unqualified person, or send any process to such person, or do any other act to enable him to practise in any respect as a solicitor, knowing him not to be duly qualified.

(2) If complaint is made in a summary way of a contravention of this section a judge of the Supreme Court, upon proof thereof, may order that the solicitor so offending shall be struck off the Roll and disqualified from practising as a solicitor.

(3) The Court may also commit such unqualified person having so practised to the common gaol for any term not exceeding one year. R.S.O. 1914, c. 159, s. 28.

**27.** The Supreme Court may strike the name of any solicitor off the Roll of Solicitors for default by him in payment of money received by him as a solicitor. R.S.O. 1914, c. 159, s. 29.

**28.**—(1) A solicitor shall not 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 or conducts any office of the Supreme Court, or of a county or district court, a surrogate court or a division court to which he is appointed by the Crown; but nothing herein contained shall extend to a local master or deputy registrar of the Supreme Court who is not a deputy clerk of the Crown and pleas, or to the Official Guardian, or to an official referee, a drainage referee or any official arbitrator.

(2) Every person who contravenes the provisions of this section shall incur a penalty of \$2,000. R.S.O. 1914, c. 159, s. 30.

**29.** A solicitor shall not practise in any court in Ontario while is engaged in the business of a merchant,

or connected by partnership 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 connected. R.S.O. 1914, c. 159, s. 31.

[*For punishment for tampering with Jurors, see The Jurors Act, Rev. Stat. c. 96.*]

#### STRIKING A SOLICITOR OFF THE ROLL FOR DEFECT IN ARTICLES

**30.** Except in case of fraud no person admitted and enrolled shall be struck off the Roll on account of any defect in the articles of clerkship or in the filing 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. 1914, c. 159, s. 32.

#### PROCEEDINGS IF STRUCK OFF THE ROLL

**31.** Where a solicitor is struck off the Roll the Registrar shall certify the same under his hand and the seal of the Supreme Court to the secretary of the 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 kept by him, make a note opposite the name of such person of his having been struck off the Roll. R.S.O. 1914, c. 159, s. 33, *part.*

#### SOLICITORS' COSTS

**32.—(1)** 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 of such partnership, has been delivered to the person 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.

(2) 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 as required by subsection 1, or enclosed in or accompanied by such letter, was so delivered, sent or left; but the other party may show that the bill so delivered, sent or left, was not such a bill as constituted a compliance with this Act. R.S.O. 1914, c. 159, s. 34.

(3) A solicitor's bill of fees, charges or disbursements shall be sufficient in form if it contains a reasonable statement or description of the services rendered, with a lump sum charge or charges therefor, together with a detailed statement of disbursements, and in any action upon or taxation of such a bill if it is deemed proper further details of the services rendered may be ordered. 1920, c. 45, s. 2.

**33.** Where the retainer of the solicitor is not disputed, and there are no special circumstances, an order may be obtained on *praeceipe* from the proper officer in the county in which the solicitor resides.

- (a) by the client, for the delivery and taxation of the solicitor's bill;
- (b) by the client, for the taxation of a bill already delivered, within one month from its delivery;
- (c) by the solicitor, for the taxation of a bill already delivered, at any time after the expiration of one month from its delivery, provided no order for its taxation has been previously made. R.S.O. 1914, c. 159, s. 35.

**34.**—(1) No such reference shall be directed upon an application made by the party chargeable with such bill after a verdict or judgment has been obtained, 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.

(2) Where the reference is made under subsection 1, the court or judge, in making the same, may give any special directions relative to the costs of the reference. R.S.O. 1914, c. 159, s. 36.

**35.** In case either party to a 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*. R.S.O. 1914, c. 159, s. 37.

**36.—(1)** When a client or other person obtains an order for the delivery and taxation of a solicitor's bill of fees, charges and disbursements, or a copy thereof, the bill shall be delivered within fourteen days from the service of the order.

- (a) The bill delivered shall stand referred to the proper officer for taxation, and on the reference the solicitor shall give credit for, and an account shall be taken of all sums of money by him received from or on account of the client, and the solicitor shall refund what, if anything, he may on such taxation appear to have been overpaid;
- (b) The costs of the reference shall, unless otherwise directed, be in the discretion of the officer, subject to appeal, and shall be taxed by him when and as allowed;
- (c) The solicitor shall not commence or prosecute any action in respect to the matters referred pending the reference without leave of the court or a judge;
- (d) The amount certified to be due shall be paid forthwith after confirmation of the certificate by filing, as in the case of a master's report, by the party liable to pay the same;
- (e) Upon payment by the client or other person of what, if anything, may appear to be due to the solicitor, or if nothing is found to be due

to the solicitor, the solicitor, if required, shall deliver to the client or other person, or as he may direct, all deeds, books, papers and writings in the solicitor's possession, custody or power belonging to the client.

**37.** A judge of the Supreme Court or of a county or district court, on proof to his satisfaction that there is probable cause for believing that the party chargeable is about to depart from 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 the bill. R.S.O. 1914, c. 159, s. 39.

**38.—(1)** 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 personal representative, or to the principal party entitled thereto, the person so liable to pay or paying, his assignee or personal representative, may apply to the Court for an order referring to taxation as the party chargeable therewith might himself have done, and the same proceedings shall be had thereupon as if the application had been made by the party so chargeable.

(2) If such application is made where, under the provisions hereinbefore contained, a reference is not authorized to be made except under special circumstances, the Court 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.

(3) For the purpose of such reference the Court 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.

(4) When a person, other than the client, applies for taxation of a bill delivered or for the delivery of a copy thereof for the purpose of taxation, and it appears that by reason of the conduct of the client the applicant is

precluded from taxing the same, but is nevertheless entitled to an account from the client, it shall not be necessary for the applicant to bring an action for an account, but the Court may, in a summary manner, refer a bill already delivered or order delivery of a copy of the bill, and refer the same for taxation, as between the applicant and the client, and may add such parties not already notified as may be necessary.

(5) The provisions of section 36, so far as they are applicable, shall apply to such taxation. R.S.O. 1914, c. 159, s. 40, *part*.

**39.** No bill previously taxed shall be again referred unless, under the special circumstances of the case, the Court thinks fit to direct a re-taxation thereof. R.S.O. 1914, c. 159, s. 41, *part*.

**40.** The payment of any bill shall not preclude the Court from referring it 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, appear to require the taxation. R.S.O. 1914, c. 159, s. 42, *part*.

**41.** The bill of a solicitor for any fees, charges or disbursements in respect of business transacted in a surrogate court, may be directed to be taxed by the proper officer of such court. R.S.O. 1914, c. 62, s. 80, *part*.

**42.** Where a bill is referred for taxation, 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. 1914, c. 159, s. 43.

**43.** Every application to refer a bill for taxation, or for the delivery of a bill, or for the delivering up of

deeds, documents and papers, shall be made *In the matter of (the solicitor)*; and upon the taxation of any such bill the certificate of the officer by whom the bill is taxed, unless set aside or varied, shall be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid which the reference was made. R.S.O. 1914, c. 159, s. 45.

#### JUDGES MAY MAKE RULES

**44.** The judges of the Supreme Court may make general rules or regulations, other than rules relating to the admission and enrolment of solicitors, for carrying out the provisions of this Act. R.S.O. 1914, c. 159, s. 46, *part.*

**45.** Such rules may include rules respecting business by solicitors connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing, and 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,—

- (a) 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;
- (b) The place, district and circumstances at or in which the business or part thereof is transacted;
- (c) the amount of the capital money or of the rent to which the business relates;
- (d) the skill, labour and responsibility involved therein on the part of the solicitor; and

- (e) the number and importance of the documents prepared or perused, without regard to length. R.S.O. 1914, c. 159, s. 47.

**46.** In the absence of any general rule, and so far as any such general rules do not apply, the taxing officer, in taxing a bill for preparing and executing any instrument, shall consider not the length but the skill and labour employed and responsibility incurred in the preparation thereof. R.S.O. 1914, c. 159, s. 44.

#### AGREEMENTS BETWEEN SOLICITORS AND CLIENTS

**47.** In this section and sections 48 to 65,

- (a) "Client" shall include a person who, as a principal or on behalf of another person, retains or employs or is about to retain or employ a solicitor, and a person who is or may be liable to pay the bill of a solicitor for any services, fees, costs, charges or disbursements;
- (b) "Services" shall include fees, costs, charges and disbursements. R.S.O. 1914, c. 159, s. 48.

**48.—(1)** Subject to the provisions of sections 49 to 65 a solicitor may make an agreement in writing with his client respecting the amount and manner of payment for the whole or a part of any past or future services in respect of business done or to be done by such solicitor, either by a gross sum or by commission or percentage, or by salary or otherwise, and either at the same rate or at a greater or less rate than that at which he would otherwise be entitled to be remunerated. In this subsection the expressions "commission" and "percentage" apply only to non-contentious business and to conveyancing.

(2) This section shall apply to and include any business to which section 46 relates, whether or not any general rule under section 45 is in operation. R.S.O. 1914, c. 159, s. 49.

**49.** Where the agreement is made in respect of business done or to be done in any court, except a

division court, the amount payable under the agreement shall not be received by the solicitor until the agreement has been examined and allowed by a taxing officer of a court having power to enforce the agreement. R.S.O. 1914, c. 159, s. 50.

**50.** Where it appears to the taxing officer that the agreement is not fair and reasonable he may require the opinion of a court to be taken thereon. R.S.O. 1914, c. 159, s. 51, *part.*

**51.** The court may either reduce the amount payable under the agreement or order it to be cancelled and the costs, fees, charges and disbursements in respect of the business done to be taxed in the same manner as if the agreement had not been made. R.S.O. 1914, c. 159, s. 52, *part.*

**52.** Such an agreement shall not affect the amount, or any right or remedy for the recovery, of any costs recoverable from the client by any other person, or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be taxed in the ordinary manner, unless such person has otherwise agreed; but the client who has entered into the agreement shall not be entitled to recover from any other person under any order for the payment of any costs, which are the subject of the agreement, more than the amount payable by the client to his own solicitor under the agreement. R.S.O. 1914, c. 159, s. 53.

**53.** Such an agreement shall exclude any further claim of the solicitor beyond the terms of the agreement in respect of services in relation to the conduct and completion of the business in respect of which it is made, except such as are expressly excepted by the agreement. R.S.O. 1914, c. 159, s. 54.

**54.** A provision in any such agreement that the solicitor shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be subject as such solicitor shall be wholly void. R.S.O. 1914, c. 159, s. 55.

**55.** No action shall be brought upon any such agreement, but every question respecting the validity or effect of it may be examined and determined, and it may be enforced or set aside without action on the application of any person who is a party to the agreement or who is or is alleged to be liable to pay or who is or claims to be entitled to be paid the costs, fees, charges or disbursements, in respect of which the agreement is made, by the court, not being a division court, in which the business or any part of it was done or a judge thereof, or, if the business was done in any court, by the Supreme Court. R.S.O. 1914, c. 159, s. 56, *part*.

**56.** Upon any such application, if it shall appear to the court that the agreement is in all respects fair and reasonable between the parties, it may be enforced by such court by order in such manner and subject to such conditions as to the costs of the application as such court may think fit, but if the terms of the agreement shall not be deemed by the court to be fair and reasonable the agreement may be declared void, and the court may order it to be cancelled and may direct the costs, fees, charges and disbursements incurred or chargeable in respect of the matters included therein to be taxed in the ordinary manner. R.S.O. 1914, c. 159, s. 57, *part*.

**57.** Where the amount agreed for under any such agreement has been paid by, or on behalf of the client or by any person chargeable with or entitled to pay the same, the Supreme Court may, upon the application of the person who has paid such amount, within twelve months after the payment thereof, if it appears to such Court that the special circumstances of the case require the agreement to be re-opened, re-open the same and order the costs, fees, charges and disbursements to be taxed, and may also order the whole or any part of the amount received by the solicitor to be repaid by him on such terms and conditions as to the Court may seem just. R.S.O. 1914, c. 159, s. 58, *part*.

**58.** Where any such agreement is made by the client in the capacity of guardian or of trustee under a deed

or will, or of committee of any person whose estate or property will be chargeable with the amount or any part of the amount payable under the agreement, the agreement shall, before payment, be laid before the Senior Taxing Officer at Toronto who shall examine it and may disallow any part of it or may require the direction of the court to be made thereon. R.S.O. 1914, c. 159, s. 59, *part.*

**59.** If the client pays the whole or any part of such amount without the previous allowance of such officer or the direction of the court he shall be liable to account to the person whose estate or property is charged with the amount paid or any part of it for the amount so charged, and the solicitor who accepts such payment may be ordered by the court to refund the amount received by him. R.S.O. 1914, c. 159, s. 60, *part.*

**60.** Nothing in sections 48 to 65 shall give validity to a purchase by a solicitor of the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained, or give validity to an agreement by which a solicitor retained or employed to prosecute any action or proceeding stipulates for payment only in the event of success in such action or proceeding, or where the amount to be paid to him is a percentage of the amount or value of the property recovered or preserved or otherwise determinable by such amount or value or dependent upon the result of the action or proceeding. R.S.O. 1914, c. 159, s. 61.

**61.** Where a solicitor has made such an agreement and anything has been done by him under it and before the agreement has been completely performed by him, such solicitor dies or becomes incapable to act, an application may be made to any court which would have jurisdiction to examine and enforce the agreement by any person who is a party thereto, and such court may thereupon enforce or set aside the agreement so far as the same may have been acted upon as if such death or incapacity had not happened, and if it deems the agreement to be in all respects fair and reasonable

may order the amount in respect of the past performance of it to be ascertained by taxation; and the taxing officer, in ascertaining such amount, shall have regard, so far as may be, to the terms of the agreement, and payment of the amount found to be due may be ordered in the same manner as if the agreement had been completely performed by the solicitor. R.S.O. 1914, c. 159, s. 64.

**62.** If, after any such agreement has been made, the client shall change his solicitor before the conclusion of the business to which the agreement relates, which he shall be at liberty to do notwithstanding the agreement, the solicitor, party to the agreement, shall be deemed to have become incapable to act under it within the meaning of the next preceding section, and upon any order being made for taxation of the amount due him in respect to the past performance of the agreement the court shall direct the taxing officer to have regard to the circumstances under which such change of solicitor took place, and upon the taxation the solicitor shall not be deemed to be entitled to the full amount of the remuneration agreed to be paid to him, unless it shall appear that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for such change of solicitor. R.S.O. 1914, c. 159, s. 65.

**63.** Except as otherwise provided in sections 48 to 62 and sections 64 and 65 a bill of a solicitor for the amount due under any such agreement shall not be subject to any taxation or to any provision of law respecting the signing and delivery of a bill of a solicitor. R.S.O. 1914, c. 159, s. 66.

**64.** A solicitor may accept from his client, and a client may give to his solicitor, security for the amount to become due to the solicitor for business to be transacted by him and for interest thereon, but so that the interest is not to commence until the amount due is ascertained by agreement or by taxation. R.S.O. 1914, c. 159, s. 62.

**65.** A solicitor may charge interest at the rate of five per centum per annum on his disbursements and

costs, whether by scale or otherwise, from the expiration of one month from demand from the client, and where the same are payable by an infant or out of a fund presently available the demand may be made on the parent or guardian or the trustee or other person liable. R.S.O. 1914, c. 159, s. 63.

#### SOLICITORS AS MORTGAGEES, TRUSTEES, ETC.

**66.** In sections 67 to 69 the expression "mortgage" includes any charge on any property for securing money or money's worth. R.S.O. 1914, c. 159, s. 67.

**67.** Any solicitor to whom, either alone or jointly with any other person, a mortgage is made, or the firm of which such solicitor is a member, shall be entitled to receive for all business transacted and acts done by such solicitor or firm in negotiating the loan, deducing and investigating the title to the property and preparing and completing the mortgage, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to a person not a solicitor, and such person had retained and employed such solicitor or firm to transact such business and do such acts; and such charges and remuneration shall accordingly be recoverable from the mortgagor. R.S.O. 1914, c. 159, s. 68 (1).

**68.** Any solicitor to or in whom, either alone or jointly with any other person, any mortgage is made or is vested by transfer or transmission, or the firm of which such solicitor is a member, shall be entitled to receive and recover from the person on whose behalf the same is done or to charge against the security for all business transacted and acts done by such solicitor or firm subsequent and in relation to such mortgage or to the security thereby created or the property therein comprised, all such usual professional charges and remuneration as he or they would have been entitled to receive if such mortgage had been made to and had remained vested in a person not a solicitor, and such person had retained and employed such solicitor or firm to transact such business and do such acts, and accordingly no such mortgage shall be redeemed except upon

payment of such charges and remuneration. R.S.O. 1914, c. 159, s. 69 (1).

**69.** A solicitor, who is a director of a trust company or of any other company, or the firm of which such solicitor is a member, shall be entitled to receive for all business transacted or acts done by such solicitor or firm for such company in relation to or in connection with any matter in which the company acts as trustee, guardian, personal representative or agent, all such usual professional fees and remuneration as he or they would be entitled to receive if such solicitor had not been a director of such company, and such company had retained and employed such solicitor or firm to transact such business and do such acts, and such charges and remuneration shall accordingly be recoverable from such company, and may be charged by them as a disbursement in the matter of such trusteeship, guardianship, administration or agency. R.S.O. 1914, c. 159, s. 70.

#### RIGHT TO TAX COSTS OF SALARIED SOLICITOR

**70.** Where the remuneration of a solicitor or counsel employed by a corporation is wholly or partly paid by salary the corporation employing such solicitor or counsel shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel were not receiving a salary where the costs are by the terms of his employment payable to the solicitor or counsel as part of his remuneration in addition to his salary. R.S.O. 1914, c. 159, s. 71.

#### SOLICITORS AS OFFICERS OF COURT

**71.** Nothing in this Act shall interfere with the jurisdiction over solicitors as officers of court. R.S.O. 1914, c. 159, s. 72.



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