

ship municipalities, were "bridges over rivers" within the meaning of the enactment.

At Doty's Creek, the span of the bridge was sixty-seven feet; at Kettle Creek, thirty-one feet nine inches; and at Caddy's Creek nine feet. The evidence showed that at Caddy's Creek a culvert would be sufficient.

Held, that the bridges over Doty's and Kettle Creeks were "bridges over rivers" within the meaning and intention of the statute, and that the duty of erecting and maintaining them rested upon the County Council; but that the bridge over Caddy's Creek was not such a bridge.

McHardy v. Ellice, 1 A.R. 328, applied, notwithstanding changes in the statute, and followed.

W. R. Meredith, Q.C., for the plaintiffs.

Purdon, for the defendants.

BOYD, C.] [Nov. 19, 1888.
Div'l Court.] [Feb. 4, 1889.

HANDS V. LAW SOCIETY OF UPPER CANADA.

Barrister and solicitor—Professional misconduct—Exercise of disciplinary jurisdiction by Law Society—R.S.O. c. 145; ss. 36, 44—Constitution of discipline committee—Evidence under oath—Action at law by complainant—Question whether wrongful acts done in professional character—Restitution—Waiver.

The plaintiff, a barrister and solicitor, was charged before the Benchers of the Law Society with professional misconduct in his dealings with certain shares of bank stock entrusted to him by a young woman. The charges were referred to the Standing Committee of the Benchers on Discipline, who inquired and reported to the Convocation of Benchers. Convocation adopted the report and resolved that the plaintiff "is unworthy to practice as a solicitor, and that he be disbarred as a barrister." This action was brought to have the resolution declared void, and to restrain the defendants from taking further proceedings under it. The plaintiff objected to the proceedings of the committee and of Convocation as illegal, defective and improper.

Held, per BOYD, C., the trial Judge, that the Discipline Committee was properly constituted without notice of its meetings being given to the Treasurer of the Law Society,

who was an *ex officio* member of all standing committees, but who was absent from Canada at the time; and that no valid objection arose from the fact that the other members of the Committee, though notified of the meetings, were not advised of the particular business they were called to transact; and at all events any cause of complaint as to procedure was removed by the fair and just conduct of the final proceedings before Convocation at large, where the plaintiff had ample opportunity to explain and to defend himself.

2. It is not essential to the jurisdiction of domestic tribunals, that they should have the powers of ordinary courts of justice in the trial of litigated matters. R.S.O. c. 145, s. 36, is not imperative; it confers the power to examine witnesses under oath, which may or may not be employed according to the sound discretion of the particular tribunal. Where there is or is likely to be any conflict in the evidence, the witnesses should be sworn. But in this case the salient facts were not controverted by the plaintiff; his counsel stated in his presence that he did not know that he could differ from the conclusions which the Committee had come to; and the evidence derived from admissions of a party is sufficient to found even a decree of the Court. The objection that the Discipline Committee had taken evidence without oath, therefore, failed.

3. The intervention of the Law Society, upon the solicitation of the person aggrieved, was quite warrantable, notwithstanding that such person had brought an action for pecuniary redress.

4. The jurisdiction of the Law Society should not be less than that of the Court; and the latter is exercised not merely in cases arising out of purely professional employment, but whenever the transaction is so connected with the professional character of the solicitor, as to afford a presumption that that character formed a ground and reason of the employment. It is for the Benchers to determine and adjudge what is and what is not becoming conduct in a member of the Society, under R.S.O. c. 145, s. 44; and any act of any member that will seriously compromise the body of the profession in public estimation is within the province of this law. Any misconduct which would prevent a person from being admitted