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THE LAW SOCIETY
OF
UPPER CANADA

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TOGETHER WITH

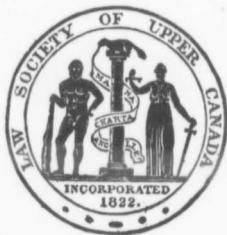
THE LAW SOCIETY ACT

THE BARRISTERS ACT

AND

THE SOLICITORS ACT

AND AN INDEX.



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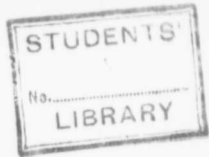
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LAW SOCIETY OF UPPER CANADA

TABLE OF CONTENTS

	PAGE
BENCHERS OF THE SOCIETY	iv
TREASURERS OF THE SOCIETY	viii
RULES—	
Interpretation	1
Rolls and Archives	2
Meetings of Convocation	2
Standing Committees	6
Treasurer	6
Officers	7
Secretary	8
Finance	9
Library	12
County Libraries	15
Reporting	19
Discipline	22
Admission to the Society	25
of Women	41
Service of Students	28
Law School	28
Examinations	32
Honours, Scholarships and Medals	37
Call to the Bar	34
in Special Cases	38
Admission of Solicitors	34
in Special Cases	39
Fees and Certificates	42
SCHEDULE OF FORMS	45
LAW SOCIETY ACT	73
BARRISTERS ACT	86
SOLICITORS ACT	90
INDEX	113

LAW SOCIETY OF UPPER CANADA

VISITORS.

THE HONOURABLE THE JUDGES OF THE SUPREME COURT OF ONTARIO.

BENCHERS.

Ex-Officio.

UNDER THE LAW SOCIETY ACT, SECTION 7, SUB-SECTION 1 (a) AND (b).

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

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

THE HONOURABLE SIR CHARLES HIBBERT TUPPER, K.C.M.G., K.C., sometime Minister of Justice and Attorney-General for Canada [8th February, 1895].

THE HONOURABLE SIR JOHN MORISON GIBSON, K.C.M.G., K.C., sometime Attorney-General for Ontario [21st October, 1899].

THE HONOURABLE JAMES JOSEPH FOY, K.C., sometime Attorney-General for Ontario [30th May, 1905].

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

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

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

UNDER THE LAW SOCIETY ACT, SECTION 7, SUB-SECTION 2.

THE HONOURABLE FEATHERSTON OSLER, K.C., retired Judge of the Court of Appeal for Ontario [18th April, 1910].

UNDER THE LAW SOCIETY ACT, SECTION 7, SUB-SECTION 1 (d).

JOHN HOSKIN, K.C. [10th June, 1910].

GEOEGE FERGUSSON SHEPLEY, K.C. [9th February, 1911].

DONALD GUTHRIE, K.C. [17th February, 1911].

ALEXANDER BRUCE, K.C. [17th February, 1911].

ZEBULON AITON LASH, K.C. [17th February, 1911].

CHARLES HENRY RITCHIE, K.C. [17th February, 1911].

GEORGE HUGHES WATSON, K.C. [17th February, 1911].

SIR GEORGE CHRISTIE GIBBONS, K.C. [12th April, 1911].

ALFRED HENRY CLARKE, K.C. [12th April, 1911].

ELECTED TO HOLD OFFICE UNTIL THE FIRST DAY OF EASTER TERM, 1916.

EDWARD DOUGLAS ARMOUR, K.C., Toronto.
WILLIAM ALVES MORGAN BOYS, K.C., Barrie.
WILLOUGHBY STAPLES BREWSTER, K.C., Brantford.
FRANCIS HENRY CHRYSLER, K.C., Ottawa.
JOHN COWAN, K.C., Sarnia.
HERBERT HARTLEY DEWART, K.C., Toronto.
WILLIAM MURRAY DOUGLAS, K.C., Toronto.
JOHN EDWIN FAREWELL, K.C., Whitby.
FREDERICK WEIR HARCOURT, K.C., Toronto.
WILLIAM HOWARD HEARST, K.C., Sault Ste. Marie.
ISIDORE FREDERICK HELLMUTH, K.C., Toronto.
EBENEZER FORSYTH BLACKIE JOHNSTON, K.C., Toronto.
WILLIAM FIELD KERR, Cobourg.
THOMAS HERBERT LENNOX, K.C., Aurora.
WILLIAM ALEXANDER LOGIE, Hamilton.
MICHAEL HERMANN LUDWIG, K.C., Toronto.
GEORGE LYNCH-STAUNTON, K.C., Hamilton.
CORNELIUS ARTHUR MASTEN, K.C., Toronto.
CHARLES ALEXANDER MOSS, Toronto.
WILLIAM HENRY McFADDEN, K.C., Brampton.
SAMUEL GEORGE McKAY, K.C., Woodstock.
ARTHUR CARSON McMASTER, Toronto.
WILLIAM DAVID McPHERSON, K.C., Toronto.
WALLACE NESBITT, K.C., Toronto.
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THOMAS COWPER ROBINETTE, K.C., Toronto.
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WILLIAM ROBERT WHITE, K.C., Pembroke.
MATTHEW WILSON, K.C., Chatham.

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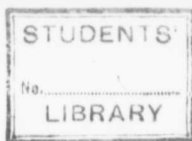
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EDWIN BELL, LL.B.

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THE LAW SCHOOL

FACULTY.

PRINCIPAL:

NEWMAN WRIGHT HOYLES, B.A., LL.D., K.C.

LECTURERS:

JOHN KING, M.A., K.C.

JOHN DELATRE FALCONBRIDGE, M.A., LL.B.

JOHN SHIRLEY DENISON, K.C.

SAMUEL HUGH BRADFORD, B.A., K.C.

DEMONSTRATORS:

CHRISTOPHER CHARLES ROBINSON, B.A.

HAROLD WILLIAM ALEXANDER FOSTER, LL.B.

EXAMINERS:

ARCHIBALD DOUGLAS ARMOUR, M.A., Senior Examiner.

NEIL DOUGLAS MACLEAN, B.A.

PATRICK KERWIN.

GEORGE FRANKLIN McFARLAND, LL.B.

JOHN ALEXANDER SOULE, LL.B.

LAW SOCIETY OF UPPER CANADA

TREASURERS OF THE SOCIETY SINCE ITS FORMATION,
WITH THE YEARS DURING WHICH THEY RESPEC-
TIVELY HELD OFFICE.

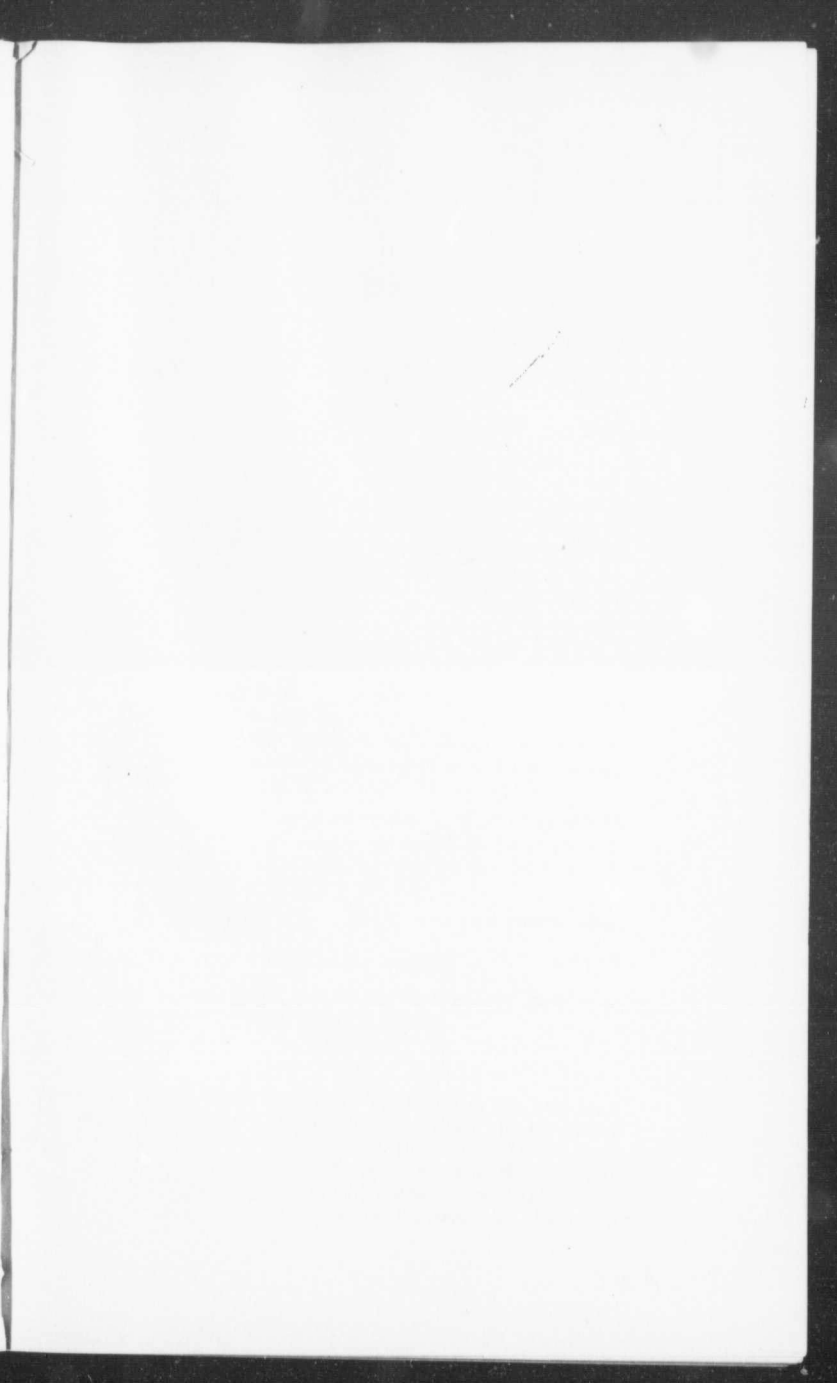
1797-1798	John White.
1798-1801	Robert Isaac Dey Gray.
1801-1805	Angus Macdonell.
1805-1806	Thomas Scott.
1806-1811	D'Arcy Boulton.
1811-1815	William Warren Baldwin.
1815-1818	D'Arcy Boulton.
1818-1819	John Beverley Robinson.*
1819-1820	Henry John Boulton.
1820-1821	William Warren Baldwin.
1821-1822	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	George Fergusson Shepley.

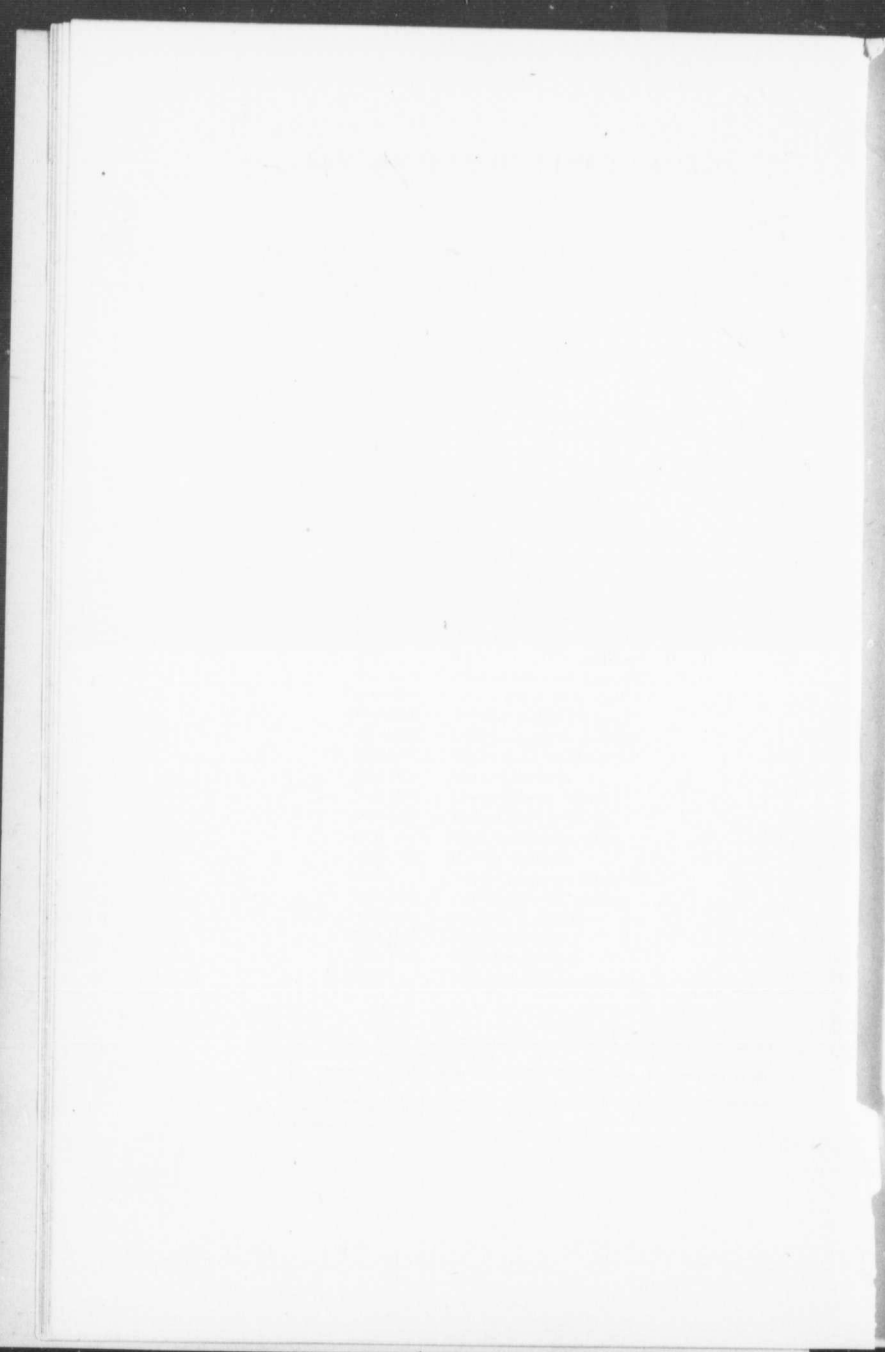
* Mr. Robinson, Chief Justice of Upper Canada, 1823-1862, created a Baronet of the United Kingdom on 21st September, 1851.

† 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,

PASSED 12TH FEBRUARY, 1915.

By the Benchers of the Law Society of Upper Canada in Convocation, with the approbation of the Judges of the Supreme Court of Ontario, as Visitors of the said Society, so far as any of such rules is or are subject to approval or disapproval by the Visitors, it is ordained as follows:

INTERPRETATION.

1. All former Rules of the Society are hereby repealed, but the repeal thereof shall not revive any rule by them repealed or prevent the application of any rule formerly in force to any matter or thing anterior to the said repeal to which 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 Anglicæ*," 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 custody of the Seal of the Society shall belong to the Treasurer for the time being, and the Secretary shall countersign every instrument to which the Seal is affixed.

ROLLS AND ARCHIVES.

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

(2) The Rolls known respectively as the Common Roll, and the Barristers Roll, shall each continue to be kept as heretofore in two parts known as the Paper Rolls and the Parchment Rolls.

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, and the Paper Rolls and index shall be submitted to the Chairman of the Committee on Journals and Printing for examination and approval.

9. The entries in the Parchment Rolls of the Society shall be made by the Secretary from the Paper Roll, under the superintendence of the Committee on Journals and Printing.

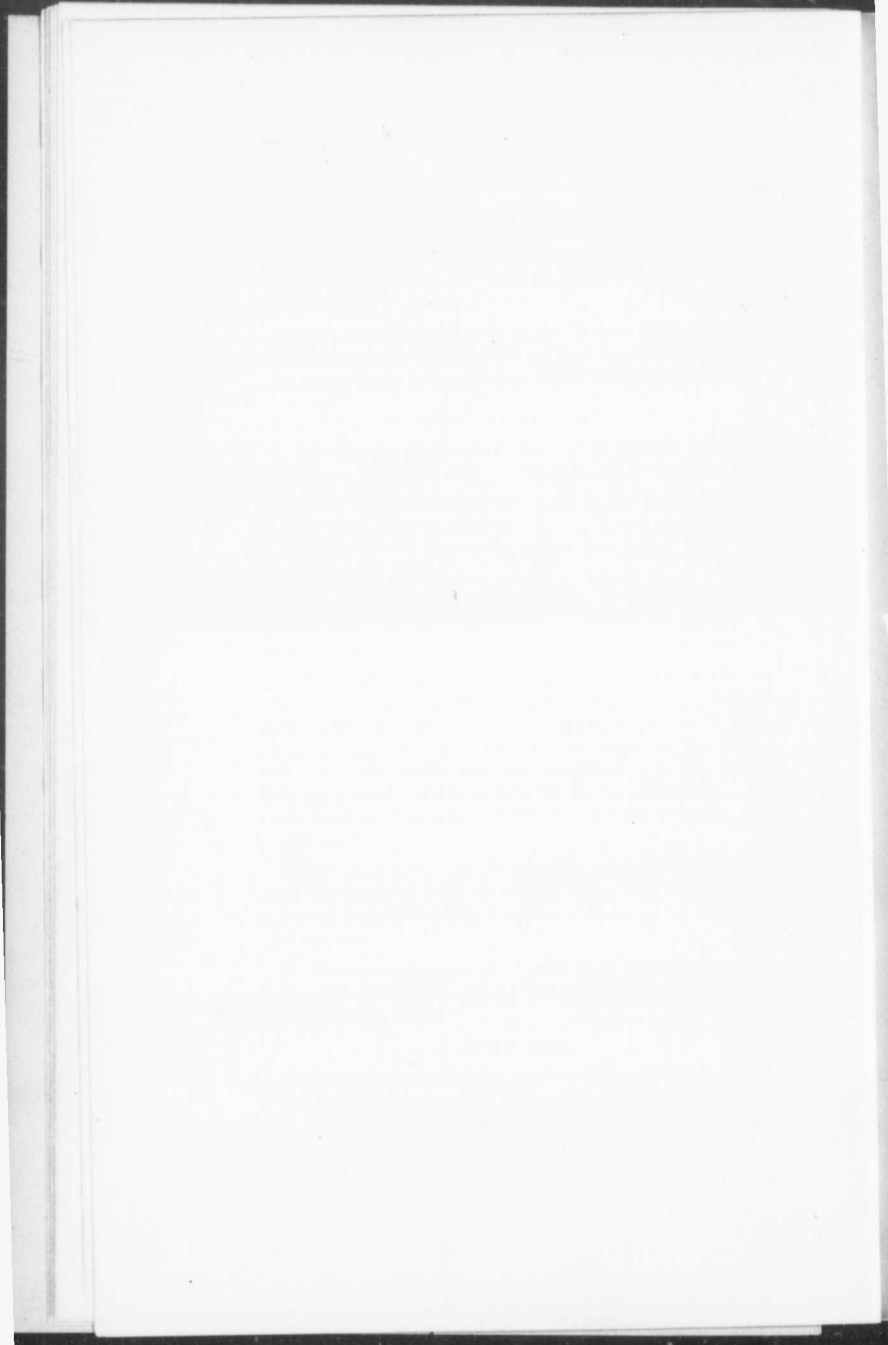
10. The proceedings of the Benchers in Convocation shall be conducted as much as may be according to the ordinary Parliamentary mode.

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 first





Thursday in Hilary, Easter, Trinity and Michaelmas Terms, and the third Thursday in each of the months of January, March, April, June and October. The hour of meeting shall be twelve o'clock noon, 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 Benchers by telegraph or otherwise, and by posting a notice in the Benchers' robing room not later than the day previous to the day of meeting.

(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 Benchers at least five days before the day of meeting, unless shorter notice be directed by Convocation or by the Treasurer.

14. Five Benchers shall be a quorum, except for the purpose mentioned in Rule 86. In case a quorum of five Benchers is not present at any meeting of Convocation, the Benchers present (being not less than three) may, after the lapse of half an hour 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 Benchers may deem proper; and the action of such Benchers thereon, shall have the like validity and effect as if the same had been disposed of in full Convocation.

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, the Treasurer, or in his absence the Benchers 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 days in May and September 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 standing Convocation day in each Term the names of such elected Benchers, if any, as have failed for four consecutive Terms to attend a meeting of Convocation in Term.

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

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

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

18A. (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.

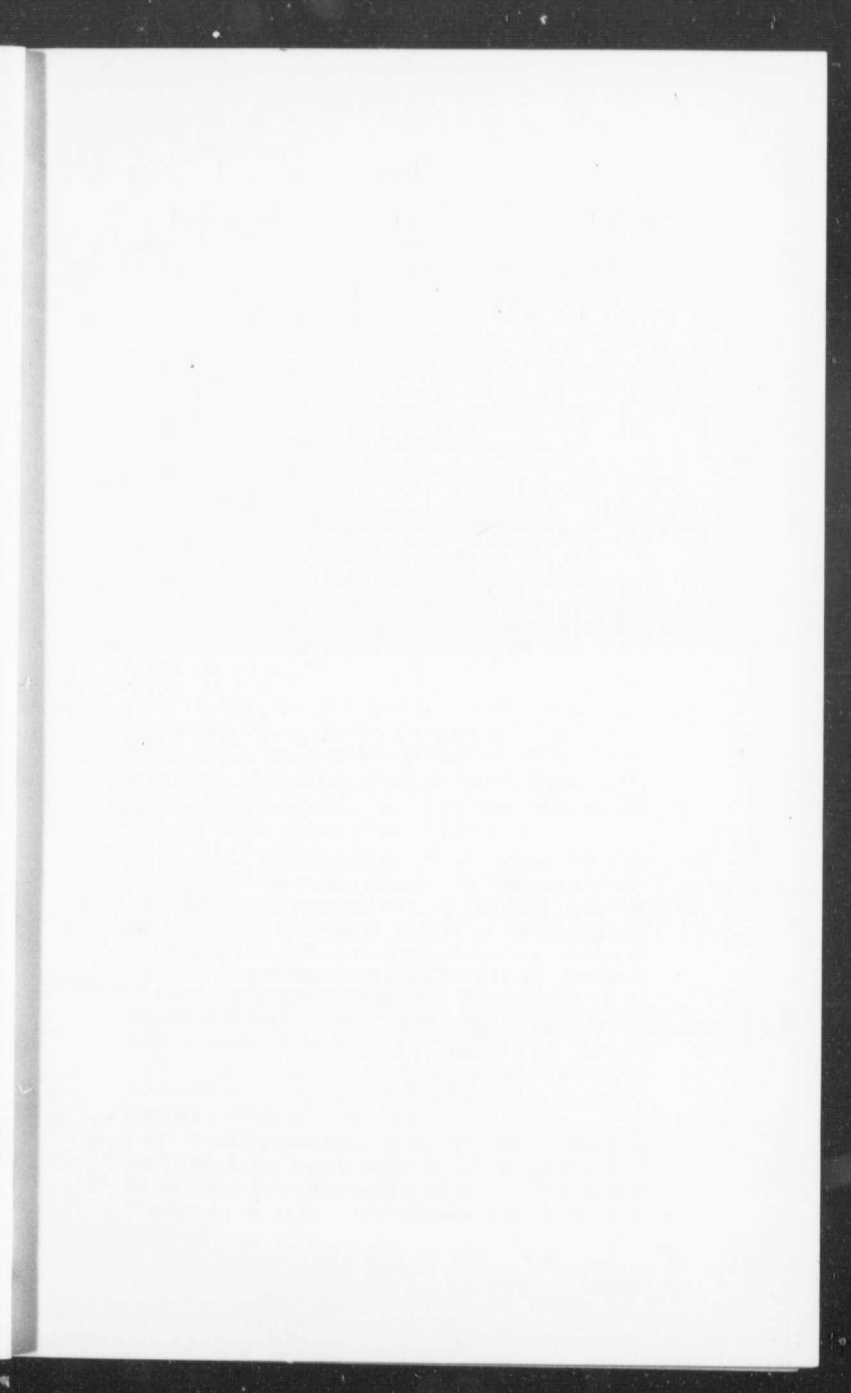
(2) If two or more Benchers are to be appointed on the same day, or if two or more salaried officers of any class are to be appointed on the same day, each Bencher voting shall have as many votes on each ballot as there are appointments to be made, provided that on any ballot a Bencher shall not cast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

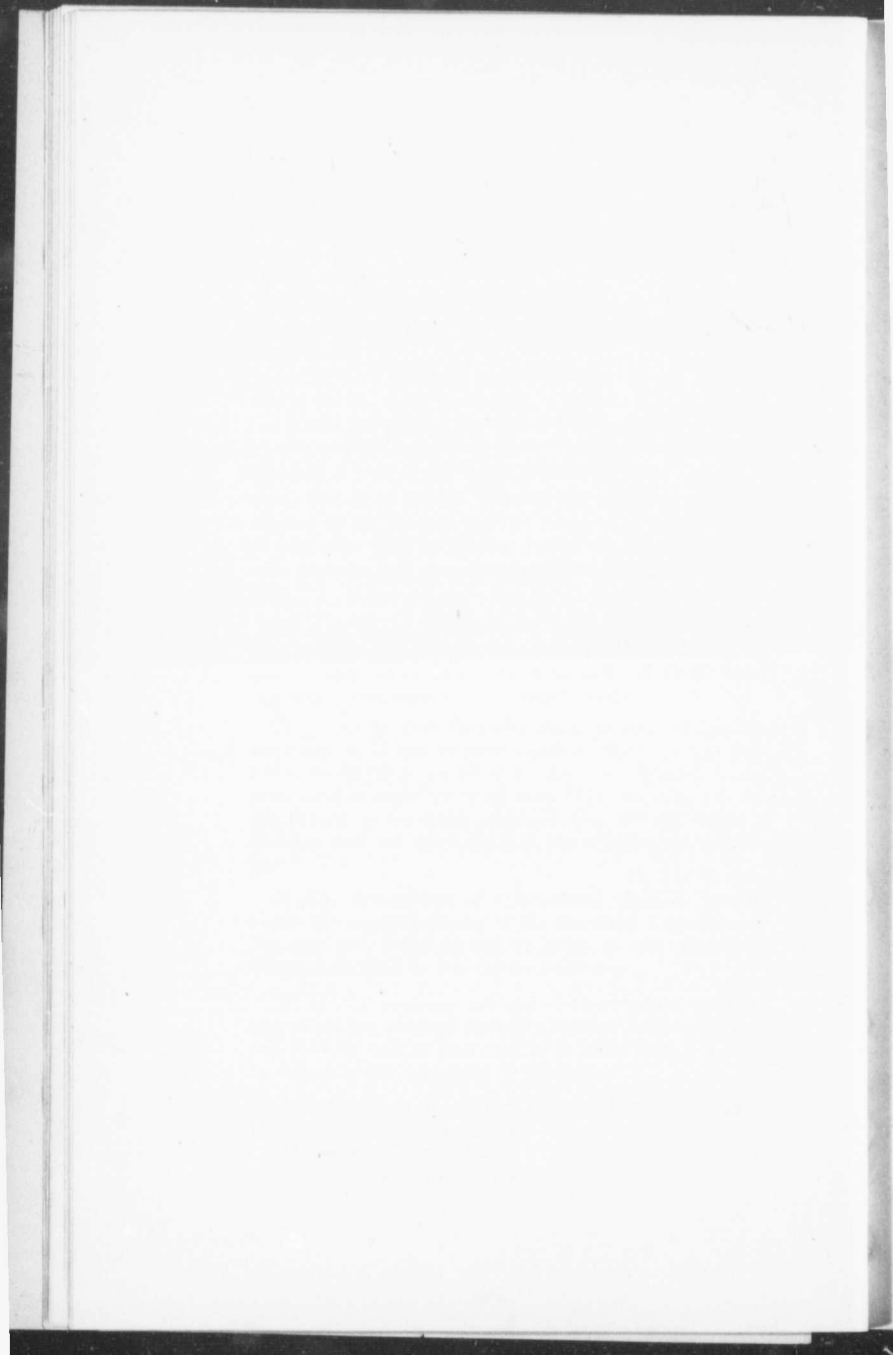
19. The proceedings of Convocation shall be printed under the superintendence of the Standing Committee on Journals and Printing, and an index to the minutes of Convocation shall be kept by the Secretary.

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 upon examinations and upon the standing of Candidates.

(5) Receiving and considering reports of other Committees.

(6) Motions.

(7) Receiving and considering petitions.

(8) Receiving and considering communications.

(9) Consideration of special business.

(10) Call of Barristers.

(11) Reading of Rules.

(12) 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 all 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 Bench.

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 such petition shall forthwith on its receipt by the Secretary be transmitted to the Chairman of the proper standing Committee for its report.

(3) No such 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 in Easter Term, 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 on Library, Journals and Printing, and County Libraries shall each consist of twelve members, and the Standing Committees on Finance, Reporting, Discipline, and Legal Education shall each consist of fourteen members.

(2) The Treasurer, shall be *ex officio* a member of all Standing Committees.

(3) All Committee meetings shall be held in the Society's rooms at Osgoode Hall, and three members of any Committee shall constitute a quorum, unless otherwise specially ordered.

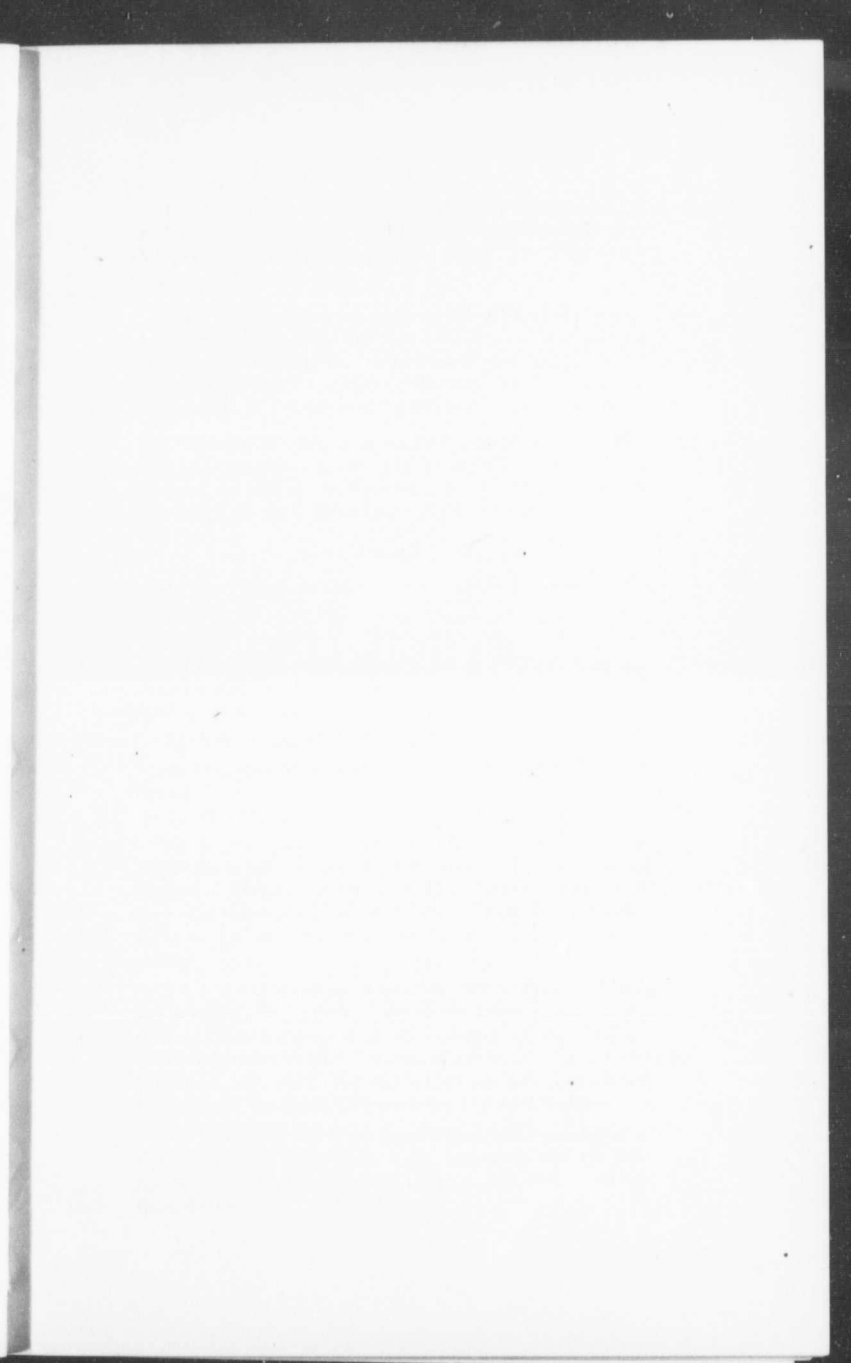
29. Any vacancy in any Committee shall be filled at the first meeting of Convocation held after the occurrence of such vacancy.

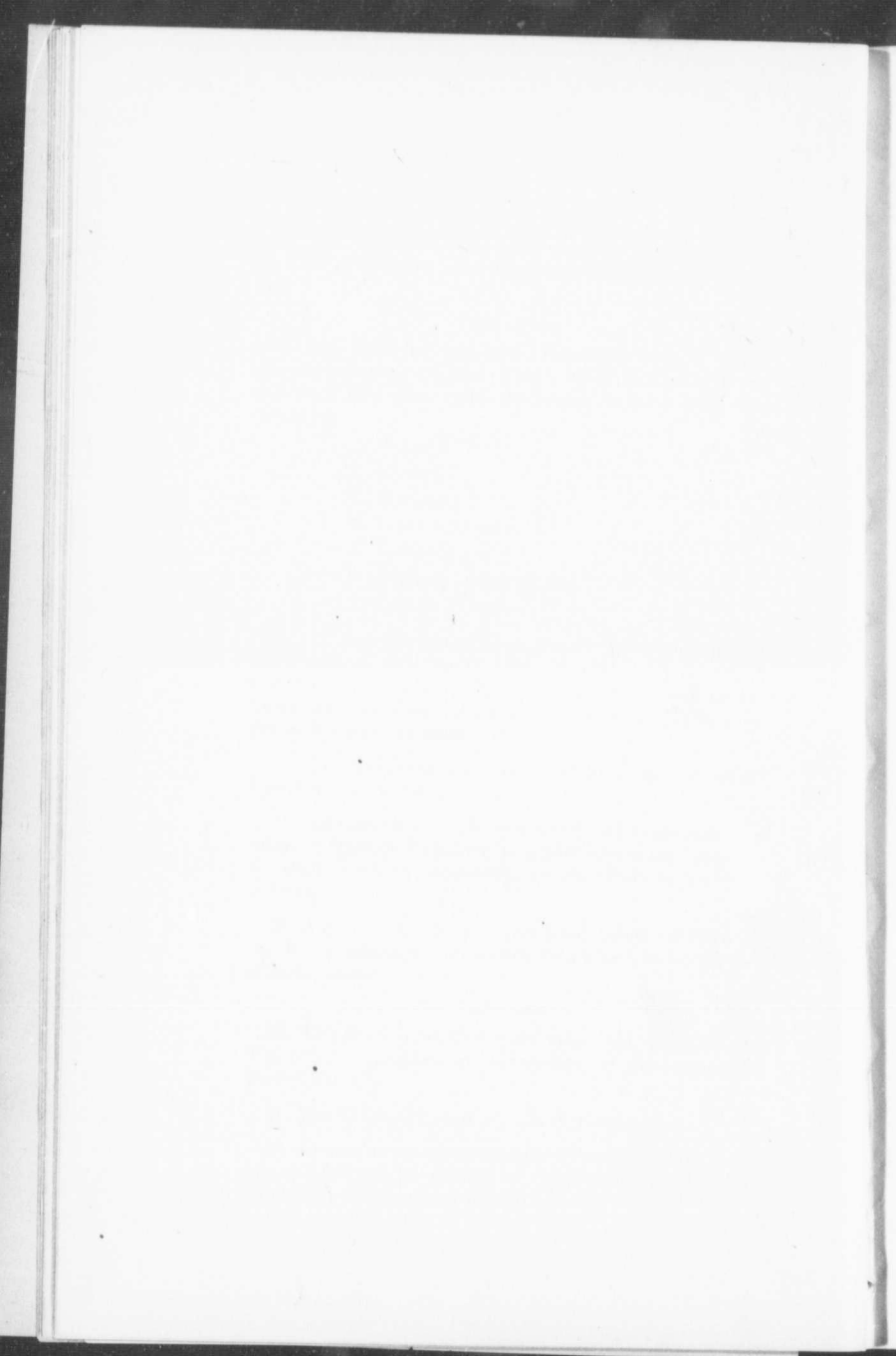
TREASURER.

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

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.

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.

OFFICERS.

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

(1) A Secretary.

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

(3) A Principal of the Law School.

(4) Four Lecturers and two Demonstrators in the Law School.

(5) Five Examiners.

(6) 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.

(7) 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.

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

(9) The Secretary, the Chief Librarian, the Assistant Librarian 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 in the gift of the Law Society or of Convocation shall be held during the pleasure of Convocation.

38. (1) Subject to the proviso to this Rule, no Examiner shall, unless the pleasure of Convocation be earlier determined, hold office for more than four years from appointment, and no Examiner shall be eligible for re-appointment until the expiration of four years from the date on which he ceased to be Examiner.

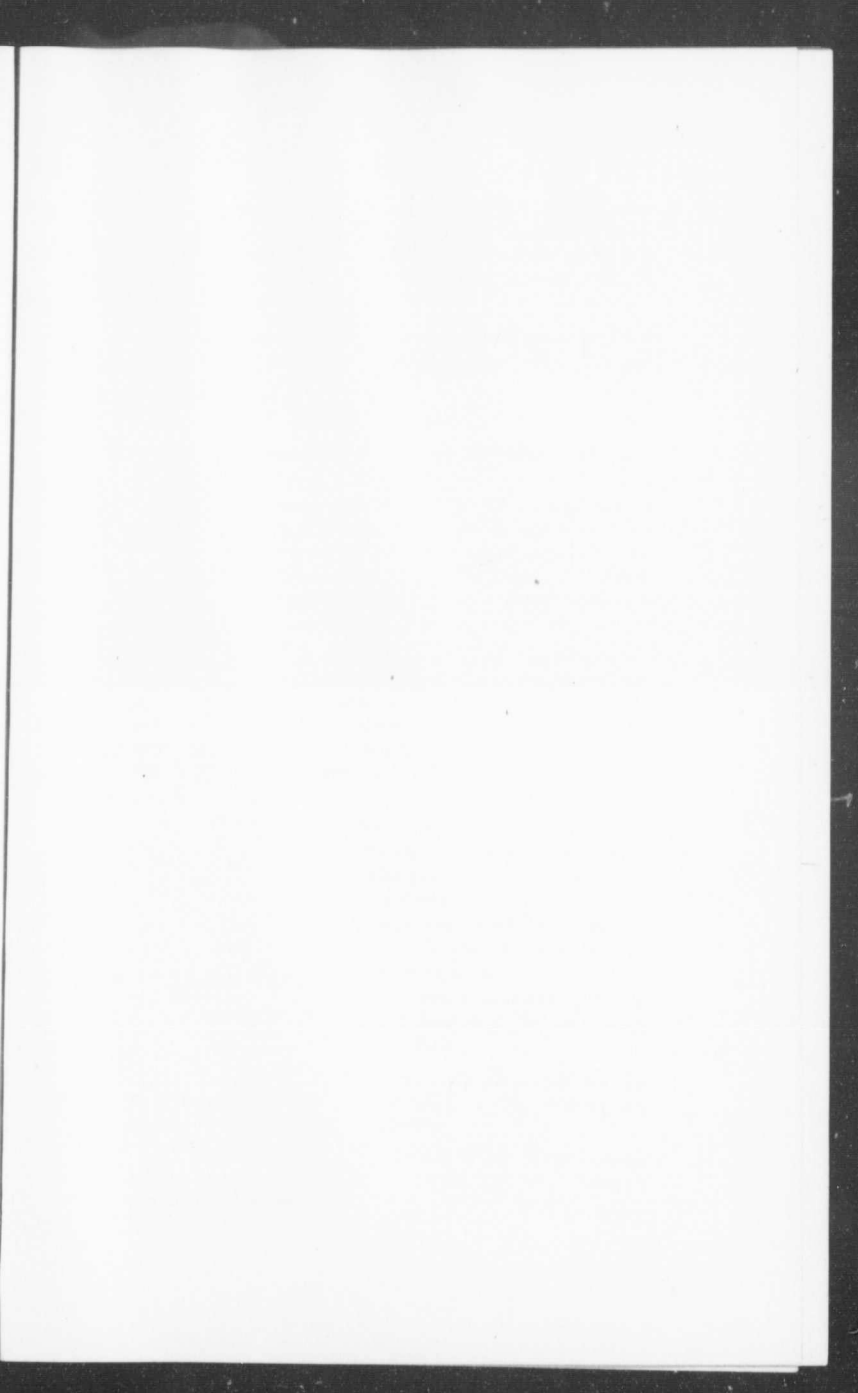
Provided that should the office of an Examiner become vacant before the month of November in any year by death, resignation or by action of Convocation, the person to be appointed in his stead may hold office for four years from the month of November next succeeding his appointment unless the pleasure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

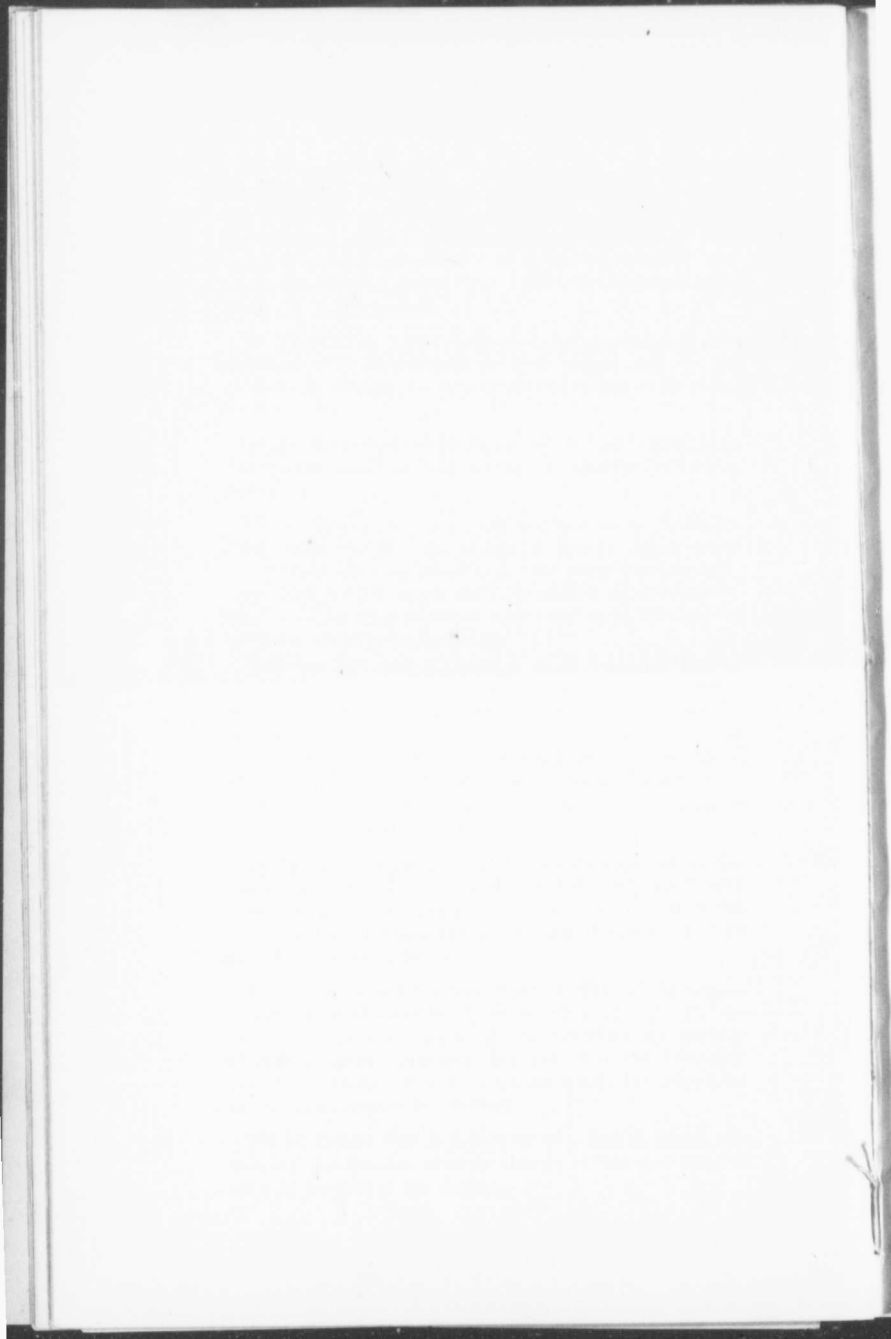
(2) The Senior Examiner shall from time to time be named by Convocation.

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

40. No person shall be appointed an officer of the Society unless one week's notice of the intention to make the appointment has been given by the Secretary by circular to each Bencher; provided, however, that the Treasurer may temporarily fill any vacancies which the exigencies of the case require to be filled.

41. No person who is a member of a firm of which any member is a Bencher shall be eligible to hold any salaried office in the gift of the Society.





42. 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.

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

THE SECRETARY.

44. 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 after each Term and under the superintendence of the Journals and Printing Committee, before the next standing Convocation day, cause to be published in such manner as may be directed, and also to be sent to each of the Benchers, a *résumé* of the business of Convocation, which shall include:—

- (i) The names of all Benchers elected or appointed during the previous Term, and
- (ii) The name of the Treasurer (if any) elected under Rule 34, or otherwise since the period comprised in the last preceding *résumé*.
- (iii) The names of all gentlemen upon which the Degree of Barrister-at-Law was conferred or who received a Certificate of Fitness, and
- (iv) The names of all members admitted into the Society, as Students-at-Law, with the date, class, and order of their admission.

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

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

(5) He shall perform the duties mentioned in Rules 51 to 54, both inclusive.

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

46. No persons except officers or servants of the Society, shall be permitted to reside in those portions of Osgoode Hall in the exclusive occupation of the Society.

FINANCE.

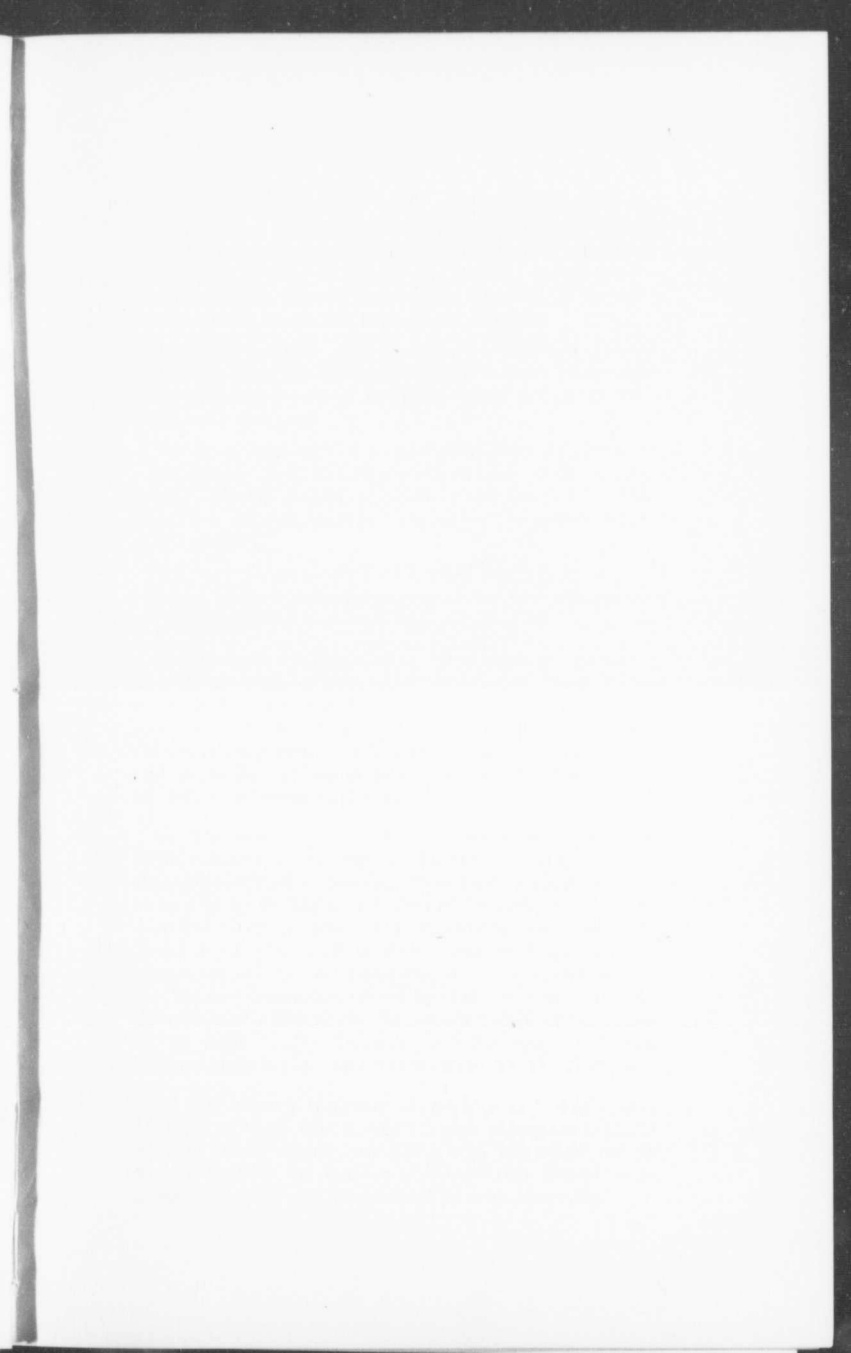
47. The Finance Committee shall have the management of the finances of the Society, including the investments of any of the Society's funds, and all matters relating to its resources and expenditure, and may appropriate from time to time such sums as may be required for expenditure by other Committees,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

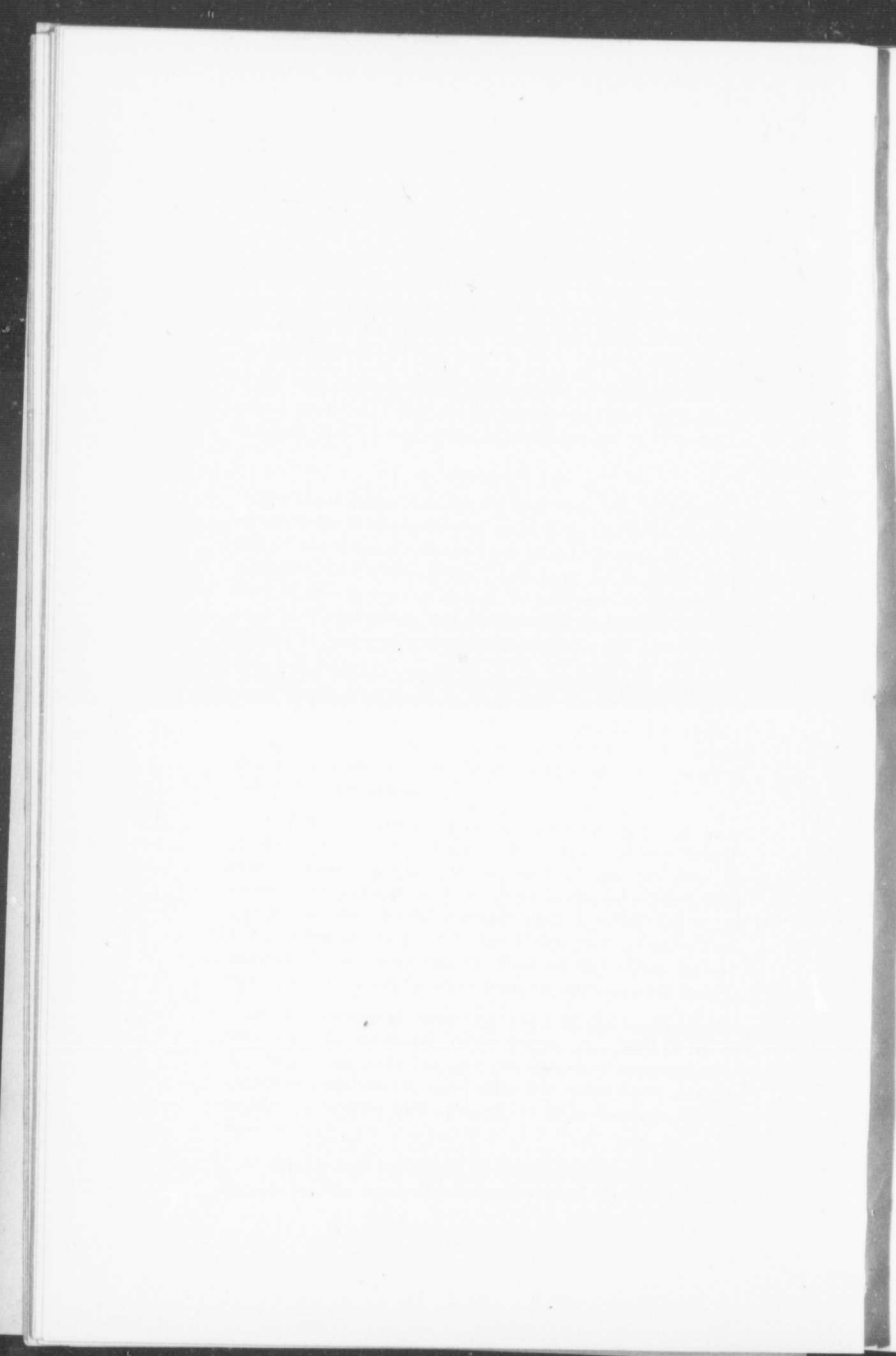
48. The whole executive management and control of those portions of Osgoode Hall, and the grounds attached thereto, in the exclusive occupation of the Society shall be vested in the Finance Committee, subject to the orders and supervision of Convocation, and to the provisions of Rules 55 to 60 inclusive.

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

50. 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.

51. (1) A cash book shall be kept by the Secretary showing (a) on the debit side statements of all amounts de-





posited 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.

52. The Bank of Hamilton or other Bank duly authorized by the Finance Committee shall be the Bank of deposit and account for the "Law Society of Upper Canada," and the Secretary shall, from time to time deposit therein to the credit of the Society, all moneys received for and on account of the Society, which shall exonerate the Secretary making such deposit.

53. 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.

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

THE LIBRARY.

55. The Library Committee shall have the general supervision and management of the Library, its annexes, the Benchers' robing-room, the consultation rooms, and Treasurer's and Committee rooms.

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

57. 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.

58. 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.

59. 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.

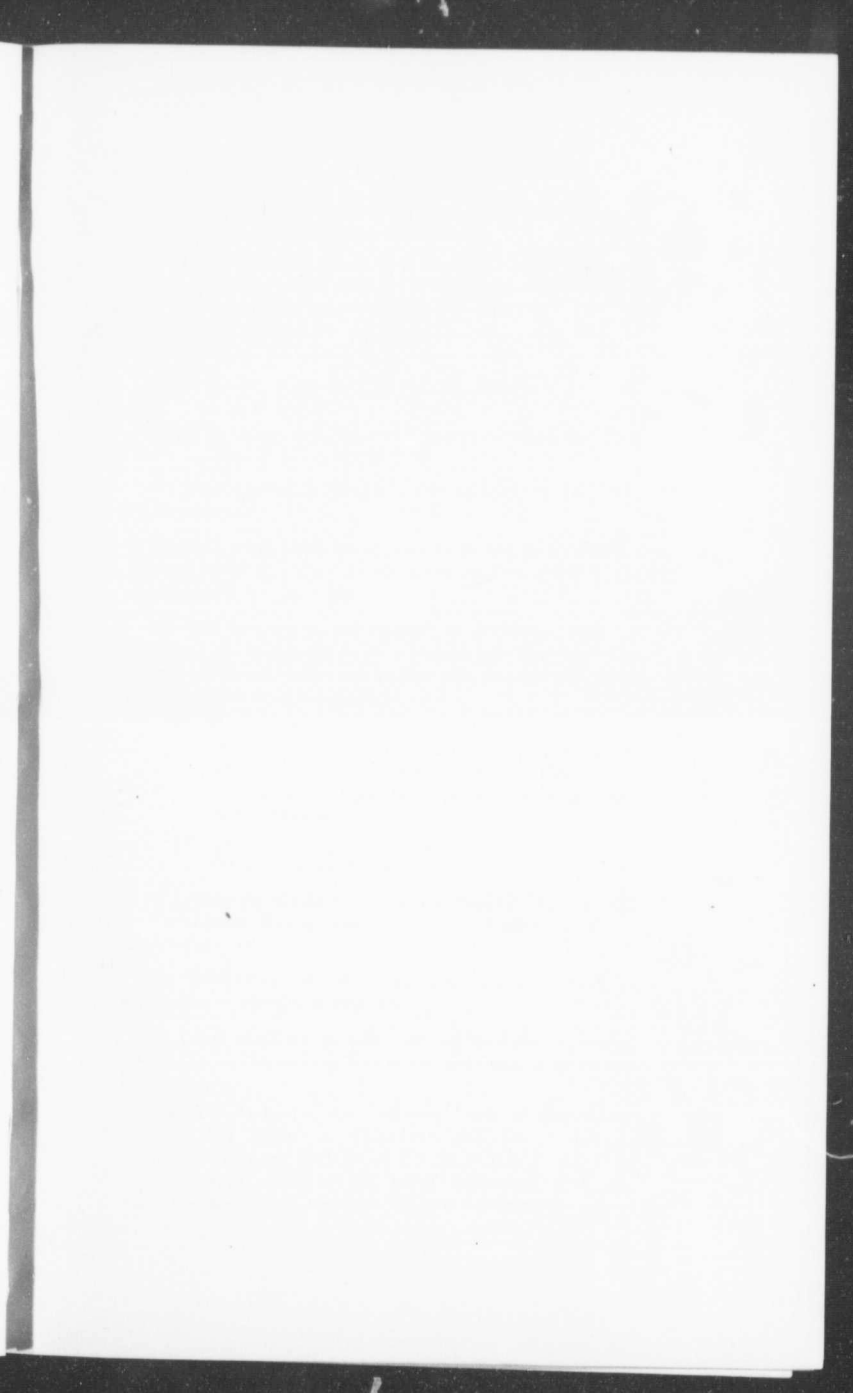
60. The Library Committee may make regulations not inconsistent with these Rules, with respect to all matters relating to the management of the Library, which regulations shall be reported to Convocation at its first meeting after the making thereof.

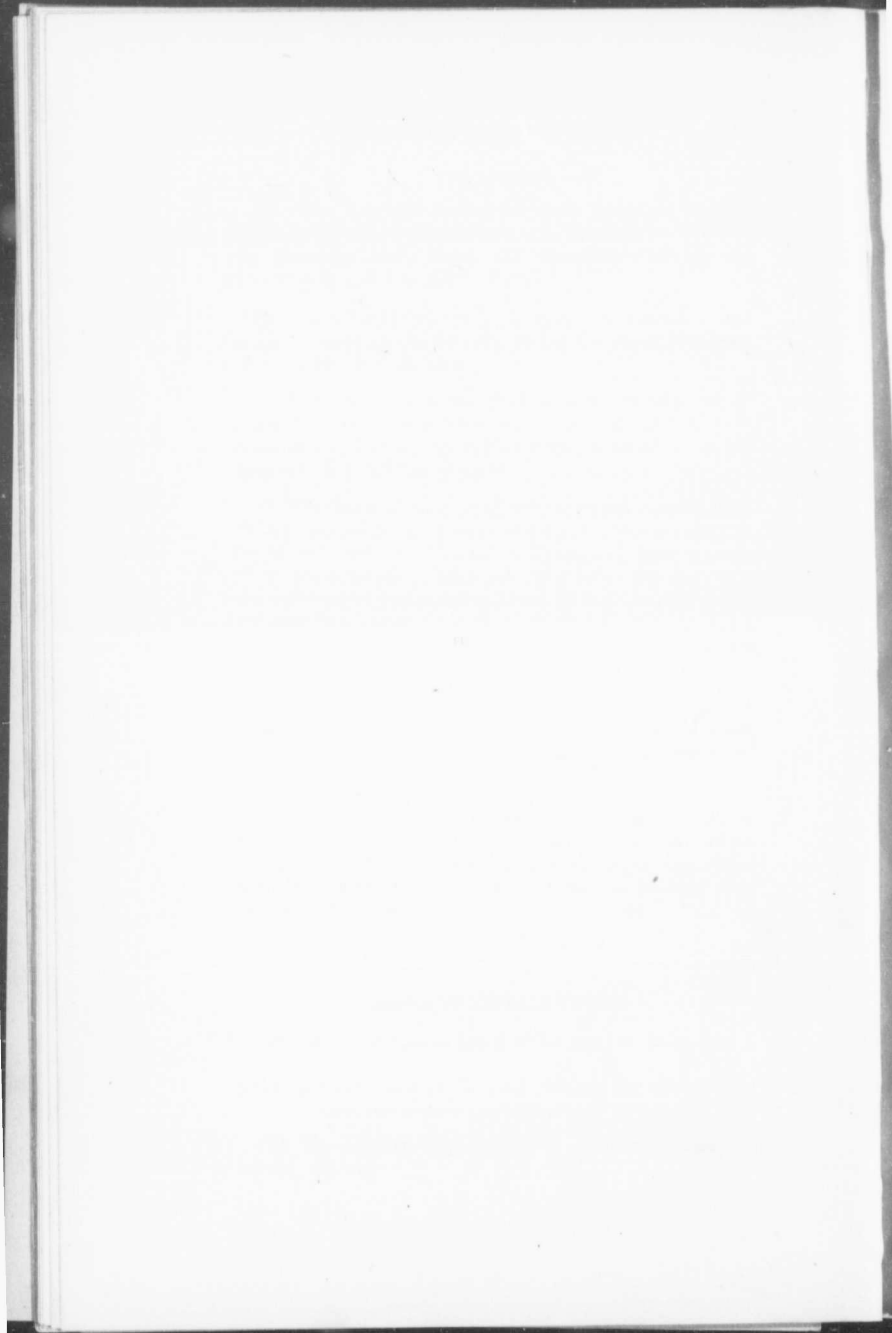
LIBRARY REGULATIONS.

REPORTED TO CONVOCATION PURSUANT TO RULE 60.

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 3 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 of Judicature, the Master in Chambers and the Master in Ordinary 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, and any person taking books from the Library otherwise than upon such application, or failing to return the same in the manner hereby directed, shall forfeit the 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 book 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.

61. 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 of counties) Law (or Law Library) Association."

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

(a) The Trustees thereof shall hold all the books thereof in trust, in case of the dissolution or winding-up of the Association, or the disposal of its property, to satisfy and repay to the Law Society all sums advanced by the Society to the Association.

(b) A room for the custody and use of the books, and proper arrangements for their custody, shall be provided, if possible, in the Court House.

(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.
- (5) On the recommendation of the Legal Education Committee. Students' libraries may be established and maintained in any County town where a County library is now or may hereafter be established and maintained by this Society. Such Students' libraries shall contain such of the text-books upon the Curriculum of the Law School of





the Society for the time being as the Legal Education Committee shall determine. All the books in every such Students' library shall remain the property of this Society and shall be under the jurisdiction of the County Libraries Committee. All students in any County shall have the privilege of taking books from such Students' library upon such deposit and subject to such rules of such County Associations as they may pass in respect thereof.

62. 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.

63. 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, and for each year thereafter an amount double the amount of the fees actually paid to the Association by its members not exceeding a maximum sum of ten dollars in respect of each paid subscription 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.

64. In addition to the grant provided for by Rule 63 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 \$200.00 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 \$300.00 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.

65. The annual report of each Association with all other particulars required shall be transmitted to the Sec-

retary 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.

66. (1) If the default referred to in Rule 65 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 65.

67. 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 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.

68. 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. He shall be paid such sum as Convocation shall fix, for each annual report.

69. 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.

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

71. 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, retired Judges who are *ex officio* members of Convocation, and when members of the Bar of Ontario, the Chief Commissioner and the Assistant Commissioner of the Board of Railway Commissioners for Canada, and the Chairman of the Ontario Railway and Municipal Board.

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

(3) Each of the Judges of a County and District Court in Ontario.

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

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

(6) The Master in Ordinary of the Supreme Court of Ontario, the Clerk of the Crown and Pleas, each of the Registrars of the High Court of Justice, and the additional Official Referee of the High Court of Justice specially appointed under R.S.O. (1914), cap. 51, Sec. 141, Sub-S. 2.

(7) The Master of Titles.

(8) The Principal of the Law School.

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

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

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

(12) Each of the County Libraries receiving aid from the Society, and an additional copy to such County Libraries where the County Law Association has fifty or more members who have paid their subscriptions, such additional copy to be supplied from and inclusive of the first volume of the present series of Ontario Law Reports.

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

72. Upon paying fifteen dollars to the Secretary during Michaelmas Term of any year, any Barrister-at-Law not in arrears in the payment of his Bar Fees and not otherwise entitled, or any Student shall become entitled to receive the numbers of the Ontario Law Reports published by the Society during the ensuing year.

73. 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 Michaelmas Term.

74. It shall be the duty of the Editor to determine what judgments ought to be published, to peruse and settle the reports thereof prepared by the Reporters, and to superintend the preparation and publication of such decisions. He shall also make such arrangements with the Judges and Officers of the Courts that a report of all





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

75. 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.

76. 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.

77. 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.

78. Every report shall have a head 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.

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

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

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

81. 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.

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

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

84. (1) Where a Reporter has been requested to furnish a copy of a Judgment delivered in the Court of which he is Reporter, 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, which sum, and no more, the Reporter is authorized to charge and receive.

(2) Where such Judgment is one to be reported and published pursuant to Rule 74, no charge shall be made to a Barrister or Solicitor entitled to receive The Ontario Law Reports, for a copy of such Judgment after the expiration of two months from the delivery thereof, but, if such Judgment has not been previously published, a copy thereof shall after that period be furnished gratis by the Reporter to the Barrister or Solicitor demanding the same.

DISCIPLINE.

85. Where complaint is made to the Law Society charging any Barrister, Solicitor, Student or Articled Clerk with misconduct as defined by *The Law Society Act*, sections 46 to 49, such complaint shall be reduced to writing and shall be left with the Secretary of the Society, and on its receipt by him it shall stand referred to the Discipline Committee and the Secretary shall forthwith transmit it to the Chairman of that Committee.

(1) Upon receipt thereof by the Chairman of the Discipline Committee, whether Convocation be in session or not, the Discipline Committee may proceed to enquire whether or not a *prima facie* case is shown.

(2) For that purpose the Committee may notify the complainant and the party complained against to appear before the Committee with their witnesses and may compel



the production before them 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 enquiry without so doing.

(3) The Committee shall report to Convocation whether a *prima facie* case has been shown, and in case Convocation shall be of opinion that a *prima facie* case has been shown, the matter shall be sent to the Discipline Committee for investigation.

(4) The Committee shall thereupon send a copy of the complaint to the party complained of, and shall notify in writing the complainant and the party against whom the complaint has been made of the time and place appointed for the investigation.

(5) The Committee shall at the time and place appointed proceed with the investigation, and may compel the production before them of all books and papers relating to the matter and may compel the parties and their witnesses to appear before them and give evidence under oath concerning the complaint, and shall reduce to writing the statements made and evidence adduced 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, with their views thereon, to Convocation, who shall take such action as to Convocation shall seem meet.

(6) The Committee may from time to time adjourn the investigation, and in case the parties or any of them fail to appear pursuant to notice at the time and place appointed the said Committee may thereupon proceed with such investigation in their absence.

86. No Barrister shall be disbarred, 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.

87. 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.

88. 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.

89. 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.

90. The Treasurer 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 Journals of Convocation, but no entry of such suspension shall be entered upon the Rolls of the Society.

91. The Secretary shall, after the entry upon the Journals of Convocation of an order of the said Court ordering a member of the Society to be struck off the Roll of Solicitors, notify by letter each of the Judges of the said Court, and the Judges of the County Courts of the Counties in which the member of the Society affected by such order has practised, and also the said member himself, that the said order has been made and transmitted to the Treasurer of the Society.

92. Upon the Treasurer 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 such office copy of such order so restoring such person to the Rolls and to lay the same before Convocation at its next meeting, and the same shall thereupon be entered at length upon the Journals of Convocation.



93. In any matter wherein an application is made to the Court or a Judge 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.

94. 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.

ADMISSION TO THE SOCIETY.

95. There shall be two classes of students—(a) the Graduate Class, comprising students entitled to be admitted under Rules 98 to 102 inclusive, (b) the Matriculant Class, comprising all other students entitled to be admitted under these Rules.

96. 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.

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

98. A graduate in the Faculty of Arts or Law, in any University in His Majesty's Dominions empowered to grant such degrees, shall be entitled to admission on the books of the Society as a Student-at-Law without further examination by the Society, upon paying the prescribed fees, and presenting his diploma or a proper certificate of his having received his degree.

99. A graduate in the Faculty of Applied Science of the University of Toronto, or of McGill University, Montreal, or of Practical Science of Queen's University at

Kingston, shall be entitled to be admitted on the books of the Society as a Student-at-Law or Articled Clerk, and subject to the same terms and conditions as a graduate in the Faculty of Arts is or shall for the time being be entitled to admission thereon.

100. Every such graduate shall be entitled to be called to the Bar and enrolled as a Solicitor after a like period of service and on and subject to like terms and conditions as are and shall for the time being be applicable to a graduate in the Faculty of Arts.

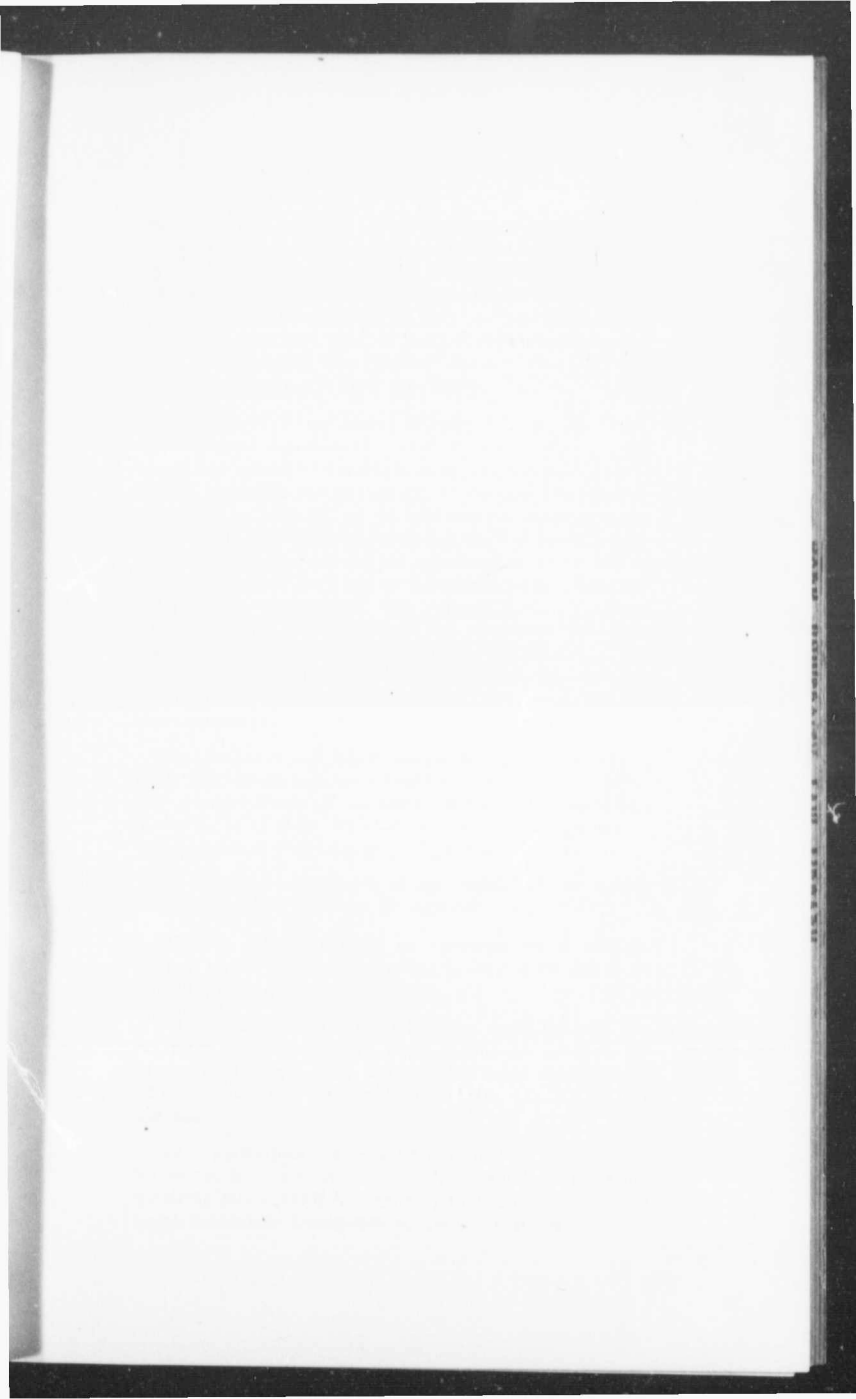
101. The provision of these Rules shall apply retrospectively so as to entitle any such graduate who has heretofore been admitted on the books of the Society and has not yet been called to the Bar or admitted or enrolled as a Solicitor to apply to be so called or admitted and enrolled after the like period of service as is required in the case of graduates in Arts.

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

103. (a) Any one who shall present a certificate of any University in Canada which is empowered by law to grant degrees in the Faculty of Arts or of Law and whose Matriculation requirements are approved by Convocation from time to time that he has within four years of his application passed the Matriculation examination of such University, or who shall furnish to the satisfaction of the Legal Education Committee evidence that he is enrolled on the register and is entitled to proceed in regular course in any such University to a degree in the Faculty of Arts or of Law, shall be entitled to admission as a student-at-law without further examination by the Society on paying the prescribed fee.

(b) The Legal Education Committee may from time to time make arrangements for the examination of other applicants in such subjects as may be prescribed by such Committee and approved by Convocation.

104. A Candidate, who shall present a certificate from the Department of Education, showing that he has ob-





tained, within four years of his application for admission, the standing necessary for Matriculation in the University of Toronto, in the year in which he applies for admission, shall be entitled to admission as a Student-at-Law, without further examination by the Society, on paying the prescribed fee, provided that no part of the examination at which such standing was obtained was written more than four years previous to such application.

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

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

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

108. The candidate shall be presented by a writing, Form 2, signed by a member of the Society of the degree of Barrister-at-Law.

109. Every candidate for admission shall file with the Secretary his presentation, Form 2, and his petition for admission, Form 3, and shall at the same time deposit with the Secretary the amount of fees payable on his admission.

110. 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. The Secretary shall make a list of such applications containing the names, additions, and family residences of all the candidates and shall post up such list in a conspicuous place in Osgoode Hall and shall keep it so posted until the next ordinary meeting of Convocation. If no objection to the admission of any candidates is received by the Secretary, the candidates included in such list who have complied with the rules and are otherwise qualified may be admitted into the Society as Students-at-law.

111. The certificate of admission in the Society may be found in Form 4.

112. The first day of the month shall be taken to be the admission date of Students-at-law who have been reported as admitted during such month.

SERVICE OF STUDENTS-AT-LAW.

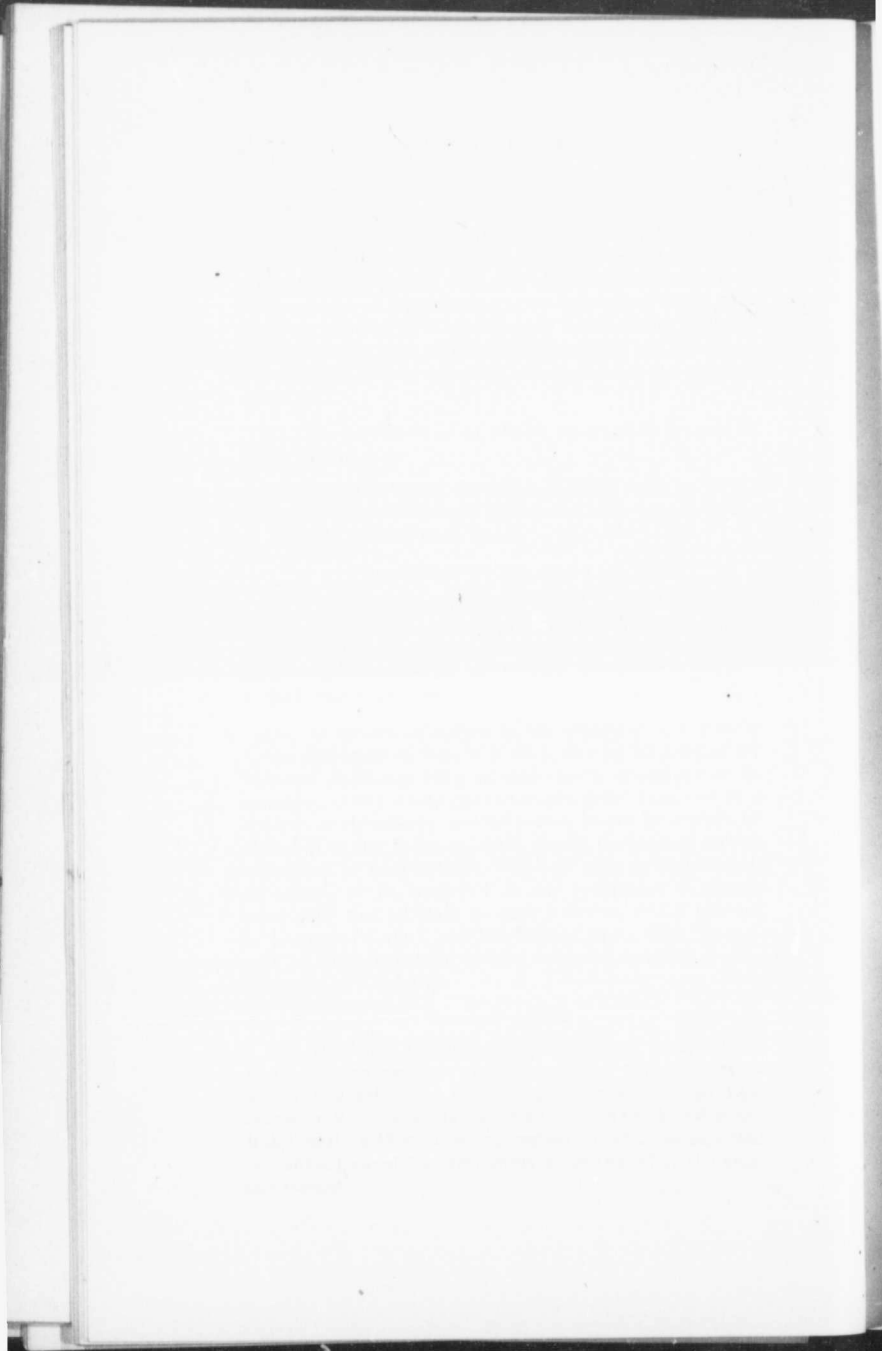
113. Except in special cases provided for by any statute, Students-at-Law who are not Articled Clerks shall actually and *bona fide* attend in a Barrister's chambers for the same respective periods as Articled Clerks are required to serve under articles.

114. No person attending in the chambers of a Barrister in pursuance of Rule 113, shall, during his term of attendance, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of a student in attendance, and no person bound by articles of clerkship to any Solicitor, shall, during the term of service mentioned in such articles, hold any office of emolument, or engage, or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his partner or partners (if any), and his Toronto agent, with the consent of such Solicitors, in the business, practice, or employment of a Solicitor.

THE LAW SCHOOL.

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





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

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

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

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

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

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

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

123. The Senior Examiner shall, in addition to his other duties, be responsible for the conduct of and the discipline to be observed at the examinations, and the returns and reports thereof to the Secretary, as directed by the Legal Education Committee.

124. The course in the School shall be a three years' course, and shall consist of lectures, discussions, Moot Courts and examinations.

125. The School Session shall commence on the last Monday in September, and shall close on the last Monday in April, with a vacation commencing on the Saturday before Christmas, and ending on the Saturday after New Year's Day. X

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

127. The attendance in the School shall be compulsory, as follows: All Students-at-Law shall, during the last three years of their attendance in chambers or service under articles, attend the School Sessions, in continuous and consecutive order of first, second, and third years, and must present themselves for the prescribed examinations. In the case of graduates, the last three years of attendance or service shall mean the whole three years of attendance or service.

128. At the close of each Session, the Principal shall certify to the Legal Education Committee the names of those students who appear by the record to have duly attended the lectures of that Session. No student is to be certified as having duly attended the lectures, unless he has attended at least five-sixths of the aggregate number of lectures, and at least four-fifths of the number of lectures of each series, delivered during the term and pertaining to his year. If any student who has failed to attend the required number of lectures, satisfies the Principal that such failure has been due to illness or other good cause, the Principal shall so report to the Legal Education Committee. The word "lectures" in this connection shall include Moot Courts.

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





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

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

132. No Student's 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 Legal and Literary 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 Principal of the Law School, and the President of the Osgoode Legal and Literary Society.

The following are the regulations approved by Convocation as to the use of parts of Osgoode Hall by the Osgoode Legal and Literary Society:—

The Finance Committee may permit the Osgoode Legal and Literary Society the use of certain parts of Osgoode Hall from time to time on the following occasions and limited as follows:—

(a) For the ordinary meetings of the Osgoode Society every Saturday night, except between first of June and 30th of September, and except during the Christmas Vacation; the Examination Hall and Lavatory to be opened at 7.45 p.m. and closed not later than 11.30 p.m.

(b) For the Osgoode Society's public debates, including music and dancing, on not more than three occasions in each year, and between October and April inclusive, the Examination Hall, the two Consultation rooms, the typewriter's room and the Lavatory, from 7 p.m. until midnight.

(c) Of the day proposed for such public debates, one week's previous notice in writing is to be given to the Secretary. No refreshments of any kind shall be introduced into Osgoode Hall, or consumed on the premises on any of the foregoing occasions.

(d) For the holding of an "At Home" of the Osgoode Society once a year, on a day to be approved by the Finance Committee, all rooms of the East Wing and Law School Building, under arrangements to be submitted at least one week prior to the "At Home" to the approval of the Finance Committee, and conditional upon the insurance not being affected thereby.

(e) The use of the Library shall require a special application to the Finance Committee. Under special circumstances the Finance Committee may permit the use of the Library, subject to such regulations as the Committee may determine.

(f) The use of the Law Society's rooms shall not be allowed for any entertainment unless the applicants satisfy the Finance Committee that the expenses connected with such proposed entertainment are satisfactorily provided for.

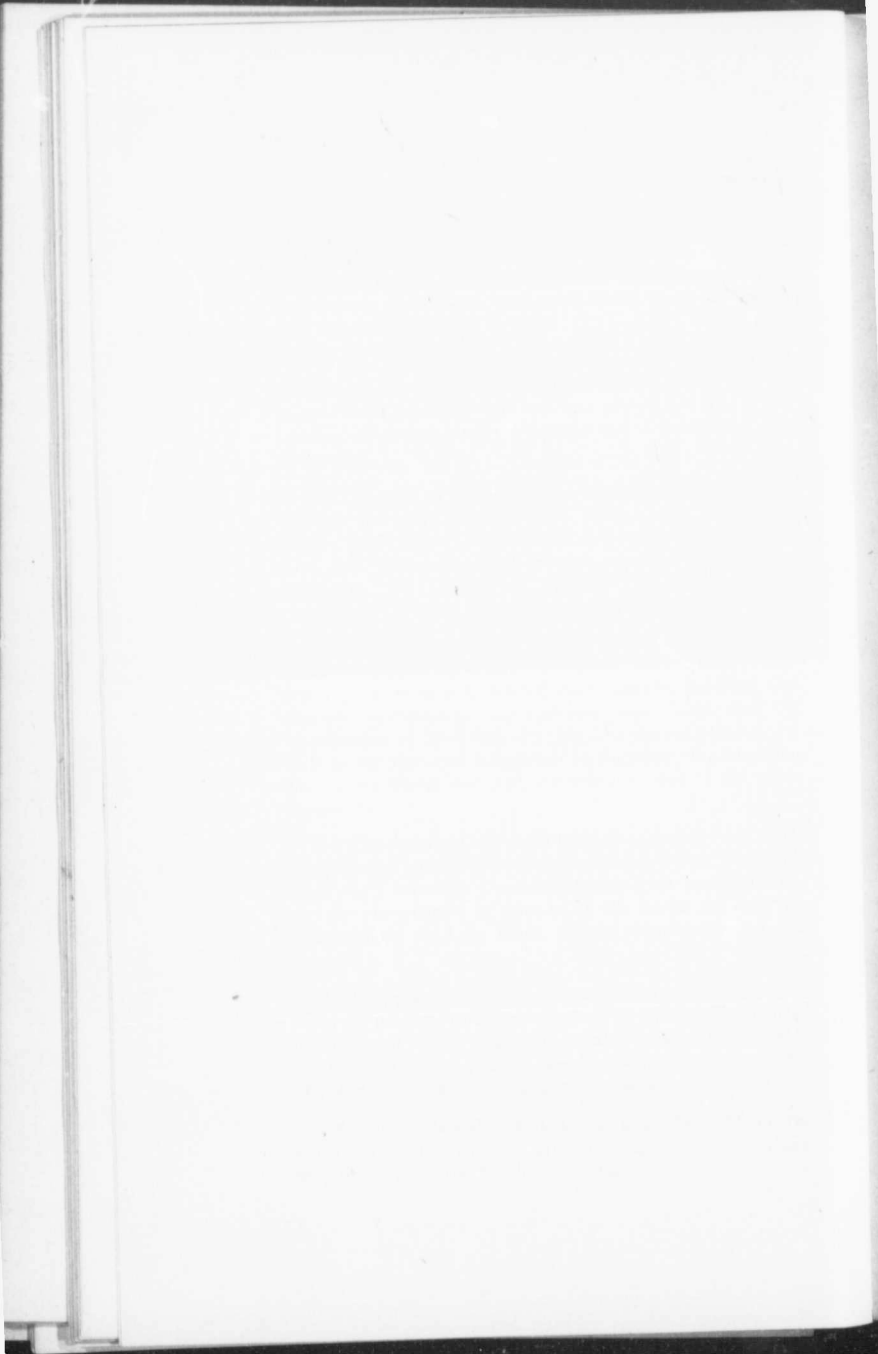
EXAMINATIONS.

133. Examinations shall be held in each academic year upon the work of the school during the year. The examinations 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; the examination of the Third year may include the work of the whole course.

134. The examinations shall take place before the Christmas vacation and at the end of the academic year. The Principal shall prescribe the subjects for such examinations; and for the purpose of computing the marks the said two examinations shall be taken as one examination for the year.

135. The percentage of marks which must be obtained in order to pass an examination shall be not less than fifty-five per cent. of the aggregate number of marks obtainable in the examination and not less than twenty-nine per cent. of the marks obtainable on any one paper.

136. Supplemental examinations shall be held in the month of September next after the regular examinations, at a time to be fixed by the Principal.



137. (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, either by reason of their not having obtained at least twenty-nine per cent. on any one or more papers or by reason of having failed to obtain at least fifty-five per cent. of the aggregate marks;
- (2) Students who have failed on the aggregate shall be examined again on all or any of the subjects of the regular examinations as they may elect, and students who have failed to obtain the necessary percentage on any one paper shall be examined upon the subject of such a paper.

138. 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 two weeks prior to the time fixed for such examination, of his intention to present himself and in case of failure on the aggregate, of the subject or subjects upon which he desires to be re-examined.

139. The marks obtained at the Supplemental examination if higher than those obtained at the regular examination, shall be substituted therefor and allowed in the final computation of marks for the year for the purpose of passing but not for the purpose of ranking.

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

141. The fee to be paid in respect to the examination of the third year held before the Christmas vacation shall be twenty dollars, of which ten dollars shall be forfeited in case of failure; and the whole sum of twenty dollars or balance of ten dollars, as the case may be, shall be credited upon the fees payable for Call and admission as **Solicitor**.

142. The Legal Education Committee shall superintend all examinations.

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

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

144. 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 those who have been rejected, and the order in which those passed have been classed; and such report shall be final.

145. 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.

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

CALL TO THE BAR AND ADMISSION OF SOLICITORS.

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

(a) Students may be called to the Bar on any ordinary Convocation day.

148. Every Candidate for Call to the Bar, shall cause a written notice, Form 11, signed by a Benchler, of his intention to present himself for Call, to be given to the Secretary at his office in Osgoode Hall, on or before the fourth Monday preceding the day in which he intends so to present himself.



149. The Secretary shall, as soon as the time for receiving notices has expired, make out two lists, containing the names, additions, and residences of all the Candidates for Call, on behalf of whom notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in the Law School.

150. Every Candidate for Call to the Bar shall be presented to Convocation by an instrument in writing, Form 12, signed by a Barrister, and shall, previous to his Call to the Bar, give a bond to the Society, Form 13.

151. Every Candidate shall, on or before the third Saturday preceding the day on which he desires and is eligible to be called, deliver to the Secretary his bond, presentation, and also his petition for Call, Form 14; and shall also, at the same time and place, pay the fees payable on his Call.

152. The Secretary's receipt for such fees shall be sufficient to entitle the Candidate to appear before the Examiners, and to be by them examined for Call, although the period of standing on the books entitling such Candidate to present himself may not have expired.

153. Every Candidate for Call to the Bar, who has not served under articles, shall, with his petition for Call, leave with the Secretary of the Society at Osgoode Hall, answers to the several questions, Form 7, and also answers to the questions, and the certificate (Form 8), signed by the Barrister in whose chambers such Candidate has attended in pursuance of these Rules.

154. No Candidate for Call 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; except after report upon a petition by him presented, praying relief on special grounds, subject, however, to the next succeeding Rule.

155. In case any such Candidate, at the time of leaving his petition and papers with the Secretary of the Society, as hereinbefore provided, proves to the satisfaction of the said Secretary that it has not been in his power to procure the answers to the questions contained in the said Form 8 from the Barrister in whose chambers he has attended during any part of the time, or the certificate

therein also contained, the said Secretary shall state such circumstances specially in his report to the Legal Education Committee on such Candidate's petition.

156. 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.

157. 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.

158. (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 Benchers 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.

159. The diploma of a Barrister-at-Law of the Society, shall be in Form 15 and the Certificate of Fitness in Form 16.

160. All applications for call to the Bar and for Certificates of Fitness for Admission as a Solicitor shall be by petition, Form 17, addressed to the Benchers of the Society in Convocation, and every such petition, together with the documents required by the Act, and the fees payable to this Society thereunder, shall be left with the Secretary of the Society at Osgoode Hall, on or before the third Saturday next before the day on which such petition is to be presented, and the Secretary's receipt for such fees shall be sufficient authority to the Examiners to examine the applicant, although the term of service of such applicant may not have expired.

161. Every Candidate for a Certificate of Fitness as a Solicitor, who has served under articles shall, with his petition for Certificate, leave with the Secretary of the Society at Osgoode Hall an affidavit of service under



articles, Form 9; and also a certificate of service under Articles, Form 10, signed by the Solicitor with whom such Candidate has served his clerkship.

162. No Candidate 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 admitted; except after report upon a petition by him presented, praying relief on special grounds, subject, however, to the next succeeding rule.

163. 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.

164. The Secretary shall report to the Legal Education Committee upon the petition of every Candidate for Certificate of Fitness; he shall also make a supplementary report upon the articles of Clerkship of applicants for Certificates of Fitness and Call, whose term of service shall not yet have expired.

HONOURS, SCHOLARSHIPS AND MEDALS.

165. Honours and Scholarships provided for intermediate examinations shall be awarded only in connection with the Law School Examinations other than Supplementary Examinations.

166. The Candidates obtaining at least three-fourths of the aggregate marks obtainable, and at least one-half of the marks obtainable on the papers in each subject shall be passed with Honours.

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

168. The day on which a Candidate for Honours was admitted on the books of the Society, and not the date of his articles, shall be the time from which the commencement of his year or course of study shall be reckoned, for the purpose of the examination for Honours.

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

170. 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.

171. 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.

172. 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 first place in the Examination for Call to the Bar next after the winner of the Chancellor Van Koughnet Scholarship.

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

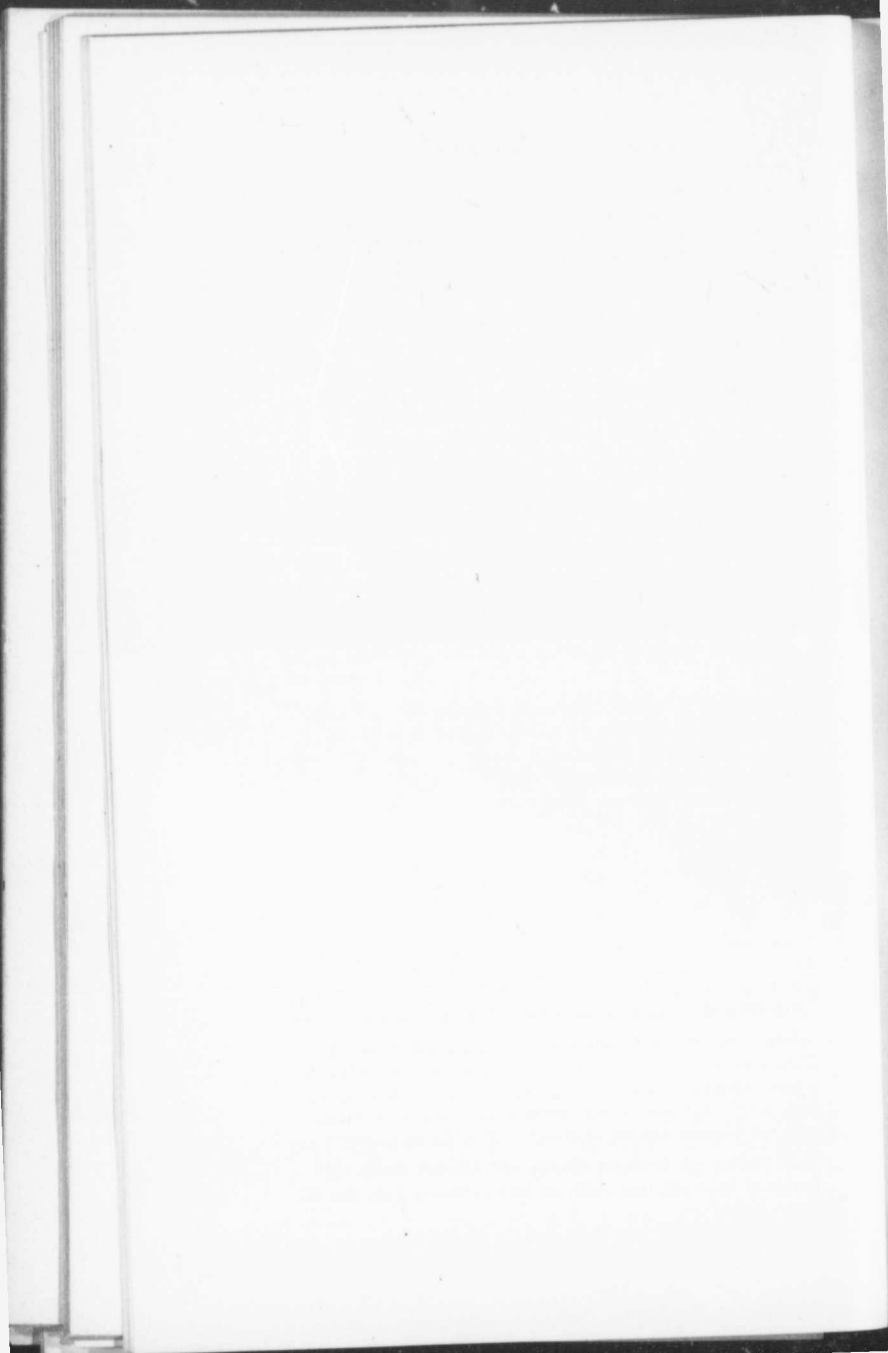
CALL TO THE BAR IN SPECIAL CASES.

174. Every person entitled to be called to the Bar under section 3 of *The Barristers Act*, sub-sections (c) (d) and (e) before being called shall file a petition setting forth the facts and verified by declaration of the applicant, and:

(1) Shall file with the Secretary of the Society, notice of his intention to apply for Call to the Bar and shall also publish the said notice in the *Ontario Gazette* once a week, for at least two months during the term next preceding that in which he intends to present himself for call.

(2) Shall furnish the proofs required by statute that he was duly admitted and enrolled, and has been in actual

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practice as an Attorney or 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 Attorney or 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.

(3) Shall pass such examination as may be prescribed at the time of his application. Applicants who are members of the Bar of the Provinces of Manitoba, Saskatchewan, Alberta or British Columbia, are not required to pass any examination.

175. The Forms 19 to 25 inclusive, or forms to the like effect may be used by persons seeking to be called to the Bar in special cases.

ADMISSION OF SOLICITORS IN SPECIAL CASES.

176. Every person applying to be admitted and enrolled as a solicitor under section 6 of *The Solicitors Act*, sub-sections (c), (d) and (e), before being admitted to practice as a solicitor, shall file a petition setting forth the facts and verified by a declaration of the applicant and shall furnish the proofs required by statute:

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

(2) If an Attorney, 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 articled 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 with-

out 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 the usual examination in the subjects prescribed for the examination of Candidates for Certificates of Fitness to practice as Solicitors of the Supreme Court of Ontario, or if he is a Solicitor from any Province of the Dominion in which the same privilege is extended to Solicitors from this Province that he has passed an examination conducted by one or more of the Examiners of 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 given to the Secretary of the Society and was also published in the *Ontario Gazette* once a week for at least two months during the term next preceding that in which he presents himself for examination and admission.

(5) That he was duly admitted and enrolled and has been in actual practice as an Attorney or 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 Attorney or 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.

177. The Forms 26 to 33 inclusive, or forms to the like effect may be used by persons seeking to be admitted and enrolled as Solicitors in special cases:

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RULES FOR THE ADMISSION OF WOMEN TO PRACTISE AS
SOLICITORS AND BARRISTERS-AT-LAW.

178. (1) Any woman who is a graduate in the Faculty of Arts in any university in His Majesty's dominions empowered to grant such degrees, and any woman being competent as a student within the requirements of Rules 103 or 104, shall, upon compliance with the following Rules, be entitled to admission to practise as a Solicitor pursuant to the provisions of *The Law Society Act*, section 43(2), provided that

- (a) she has been entered upon the books of the Society in the same manner and upon the same conditions as to giving notice, payment of fees, and otherwise, as are provided for admission of Students-at-Law of the graduate and matriculant class respectively;
 - (b) she has been bound by contract in writing to serve as a clerk to a practising Solicitor for a period of three or five years from the date of her entry upon the books of the Society, according as she shall have been entered on the books as a graduate or matriculant;
 - (c) she has actually served under such contract for such period of three or five years, as the case may be;
 - (d) she has complied with the conditions of the statutes and the Rules of the Society with regard to execution and filling of such contract, and any assignment thereof, and with every other requirement of the Society with regard to Students-at-Law, including attendance upon lectures in the Law School, passing of examinations, payment of fees, and every other matter or thing, compliance with which by a Student-at-Law is a prerequisite to admission to practise as a Solicitor.
- (2) The fees payable by such woman upon receiving a Certificate of Fitness to practise shall be the same as those payable by other Students-at-Law.
- (3) Upon admission to practise, such woman shall become subject to all the provisions of the statutes and the Rules of the Society with regard to Solicitors, and non-compliance with or failure to observe the same or any of them shall subject her to all the disabilities and penalties imposed upon other Solicitors.

179. Every woman seeking admission to practise as a Barrister-at-Law under the provisions of the Statute in that behalf shall furnish proof that

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

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

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

180. The fees payable by such woman upon admission to practise as a Barrister-at-Law shall be the same as those payable by other Students-at-Law.

181. (1) Upon admission to practise as a Barrister-at-Law such woman shall become subject to all the provisions of the statutes and the Rules of the Society with regard to Barristers-at-Law, and non-compliance with or failure to observe the same, or any of them, shall subject her to all the disabilities and penalties imposed upon other Barristers-at-Law.

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

FEES AND CERTIFICATES.

182. 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 \$2 per annum.

183. The fee for a Solicitor's Annual Certificate shall be fifteen dollars exclusive of the term fee of two dollars per annum which may be payable by him as a member of the

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Bar under Rule 183 and shall be payable in Michaelmas Term 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 of said Term on which the said fee of fifteen dollars became payable.

184. 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.

185. 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.

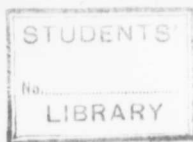
186. The following fees shall be payable to the Society :—

With application for admission as a Student-at-Law	\$ 1 00
On presentation for admission as a Student-at-Law	50 00
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 174, 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 176, 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	1 00
With every other notice	1 00
Barrister's annual Term or Bar fee	2 00
Solicitor's annual Certificate	15 00

See also *The Barristers Act*, section 4(6), and *The Solicitors Act*, section 7(5).

187. 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

FORM 1.

TREASURER'S SUMMONS FOR A SPECIAL CONVOCAATION.

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

day, the day of , in the
year of the reign of King George V., A.D. 19 .

GENTLEMEN,—By virtue of the authority vested in me, as Treasurer of this Society, by the rules thereof, I have thought fit to summon, and do hereby accordingly summon, a Convocation of the Benchers of this Society, to be held in the Convocation-Chamber, in Osgoode Hall, at the hour of o'clock in the forenoon of the day of , 19 .

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

Yours, etc.,

Treasurer.

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

FORM 2.

PRESENTATION FOR ADMISSION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

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

GENTLEMEN: I hereby present to the Examining Committee and to the Convocation, C. D. (*names in full*), of E, in the County of F., in this Province, Gentleman, son of G. D., of the same place, Merchant (or as

the case may be), for the purpose of his being examined and entered and admitted as a Student-of-the-Laws.

I. J.

Barrister-at-Law.

FORM 3.

PETITION FOR ADMISSION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

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

The petition of C. D. (giving all names, no initials), of E, in the County of F., in this Province, gentleman, son of G. D., of the same place, merchant (or as the case may be), most respectfully sheweth: That your petitioner is of the full age of years; that he has received an education which he trusts sufficiently qualifies him to commence the study of the profession of the Law; that the degree of B.A. was conferred on him on the day of by the University of [or that he on the day of as a student of the University of (or as a junior matriculant) passed an examination in the subjects prescribed by the Law Society;] that your petitioner is desirous of becoming a member of the Law Society of Upper Canada, and of being entered thereof as a Student-at-Law.

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

Witness:

C. D.

R.W.

[Date.]

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FORM 4.

CERTIFICATE OF ADMISSION INTO THE
SOCIETY.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

These are to certify that C. D., of E., in the County of F., having complied with the rules in that behalf and been classed in the graduate (*or matriculant, as the case may be*) class, was by the Benchers of the Law Society of Upper Canada in Convocation, and 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 taking precedence as such in this Society next immediately after Mr. Y. R., and that he now remains on the books of the Society as a member thereof.

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

J. M. C., *Secretary.*J. R., *Treasurer.*

FORM 5.

ARTICLES OF CLERKSHIP.

ARTICLES OF AGREEMENT made the _____ day of _____ in the year of our Lord 19____, between A. A., of _____, gentleman (the father or guardian), of the first part, B. A. (the clerk) (son of the said A. A.), of the second part, and S. S. (the solicitor), of _____, gentleman, one of the solicitors of the Supreme Court of Judicature, of the third part.

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

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

In consideration whereof and of paid by the said A. A. (the receipt whereof the said S. S. doth hereby acknowledge) the said S. S. for himself, his heirs, executors and administrators, doth hereby covenant with the said B. A., that the said S. S. will accept and take the said B. A. as his clerk: And also, that the said S. S. will by the best ways and means he may or can, and to the utmost of his skill or knowledge, teach and instruct, or cause to be taught and instructed, the said B. A., in the said practice or pro-

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fession of a Solicitor of the Supreme Court, which the said S. S. now doth, or shall at any time hereafter during the said term, use or practice: And also will, at the expiration of the said term use his best means and endeavours, at the request, costs and charges of the said A. A. and B. A. or either of them to cause and procure him the said B. A. to be admitted as a Solicitor of the Supreme Court, provided the said B. A. shall have well, faithfully and diligently served his said intended clerkship.

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

Signed, sealed and delivered by	A. A. (L.S.)
the within named parties, in the	B. A. (L.S.)
presence of	W. F. S. S. (L.S.)

NOTE.—Where the person about to be artieled has attained his majority, his father or guardian is not a necessary party to the instrument.

THE SOLICITORS ACT.

COUNTY OF } I,
 of the 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 in the Supreme Court of Ontario.

FORM 6.

ASSIGNMENT OF ARTICLES OF CLERKSHIP.

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 Judicature
 for Ontario, of the first part, of the same place,
 Student-at-Law, of the second part. And of
 in the county of one of the Solicitors of
 the said Court, of the third part.

Whereas, by articles of clerkship bearing date the
 day of , A.D. 19 , made between the said of
 the one part, and the said of the other part,
 the said of his own free will, did put,
 place and bind himself clerk to the said to serve
 him from the day of the date thereof, for, during and until
 the full end and term of years from thence next
 ensuing, and fully to be completed and ended subject to
 the several covenants therein contained.

And whereas the said hath served the said
 as his clerk from the day of the date of the said
 article 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, and for such further period (if any) as may be neces-
 sary to complete the full term of years of service
 under articles.

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.

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 for such further period (if any) as may be necessary to complete the full term of _____ years, under articles in accordance with the statutes in that behalf. 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 Judicature for Ontario, from the date hereof during the remainder of the hereinbefore recited term of _____ years, according to the terms and conditions of the said hereinbefore mentioned articles of clerkship as therein set forth.

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

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

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

THE SOLICITORS ACT.

COUNTY OF _____ } I, _____ of _____ in the county of _____ of the _____

To Wit: _____ make oath and say

1. THAT I was personally present, and did see the within Instrument and Duplicate thereof duly signed, sealed and executed by _____ the part thereto:
2. THAT the said Instrument and Duplicate were executed at _____
3. THAT I know the said part _____
4. THAT I am a subscribing witness to the said Instrument and Duplicate.
- 5: THAT the said Instrument and Duplicate were executed as aforesaid on the _____ day of _____ A.D. 19 _____

Sworn before me at _____
 in the county of _____
 this _____ day of _____
 in the year of our Lord 19 _____

A Commissioner for taking affidavits in the Supreme Court of Ontario.

FORM 7.

QUESTIONS TO BE ANSWERED BY A STUDENT-AT-LAW UNDER RULE 153.

The following questions are to be answered by the Candidate himself:—

- 1st. What was your age at the date of your admission?
- 2nd. Have you actually and *bonâ fide* attended during your whole term of years in the chambers of some Barrister? If so, give the name and address of such Barrister. And, if not, state the reason.
- 3rd. Have you, at any time during the said term, been absent without permission of the Barrister in whose chambers you attended? And, if so, state the length and occasion of such absence.
- 4th. Have you, during the period of your attendance, been engaged or concerned in any profession, business or employment other than your professional employment as Student in attendance?
- 5th. Have you, since the expiration of your said Term, been engaged or concerned, and for how long a time, in any, and what profession, trade, business or employment, other than the profession of a Barrister?

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FORM 8.

QUESTIONS TO BE ANSWERED UNDER RULE 153
BY THE BARRISTER IN WHOSE CHAMBERS
A STUDENT-AT-LAW HAS ATTENDED.

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

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

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

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

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

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

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

FORM 9.

AFFIDAVIT OF SERVICE UNDER ARTICLES.

THE SOLICITORS ACT.

IN THE MATTER OF

_____ a student-at-law
I, _____ 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 artieled clerk
of (and 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 of 19, to the day of 19),
except during the time I was in attendance at Lectures at
the Law School.

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

Sworn before me
at
in the County of
this
day of
19

A Commissioner, etc.

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

FORM 10.

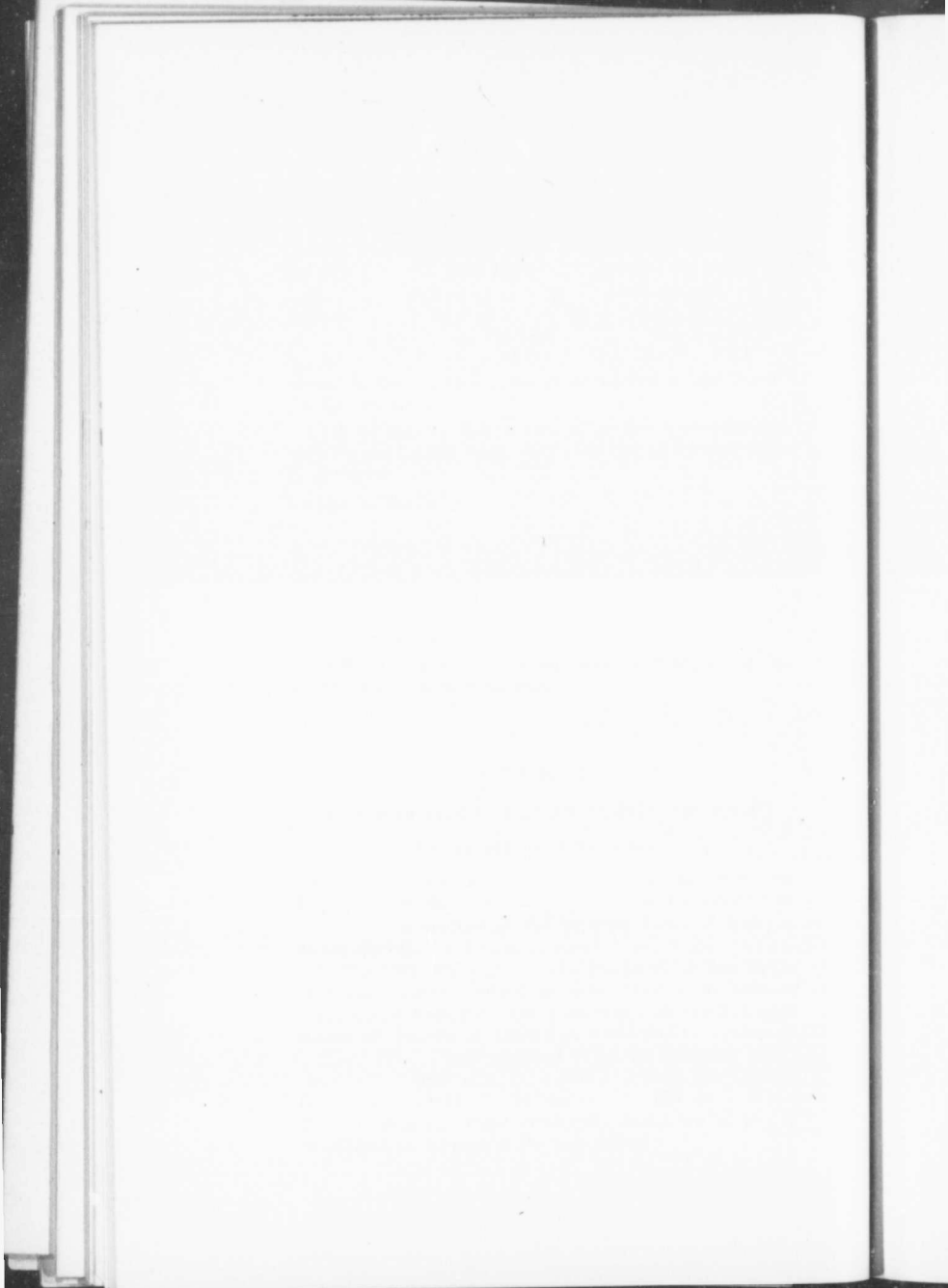
CERTIFICATE OF SERVICE UNDER ARTICLES.

LAW SOCIETY OF UPPER CANADA.

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 as my clerk in the business practice and employment 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.

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TEL. 734-763-1000



2. That the said _____ was not, at any time during the said period of service absent without my permission, nor was he to my knowledge engaged in any profession, business or employment other than that of clerk to me or my partner or my Toronto agents.

3. That the said _____ is a fit and proper person to be called to the Bar and admitted to practice as a Solicitor in His Majesty's Courts in Ontario.

Dated at _____ the _____ day of _____ 19 _____

FORM 11.

NOTICE OF PRESENTATION FOR CALL.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

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

Dated the _____ day of _____ 19 _____

*Bench*er.

FORM 12.

PRESENTATION FOR CALL.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

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

GENTLEMEN.—I hereby present to the Convocation C. D. (*names in full*), a member of this Society, now standing on the books as a Student-at-Law, and who has received his professional education under my superintendence (*or*

under the superintendence of K. L., M. N. O., Esqrs., members of this Society, of the degree of Barrister-at-Law), for the purpose of his being called to the degree of Barrister-at-Law.

Dated the day of 19 .

I. J.

Barrister-at-Law.

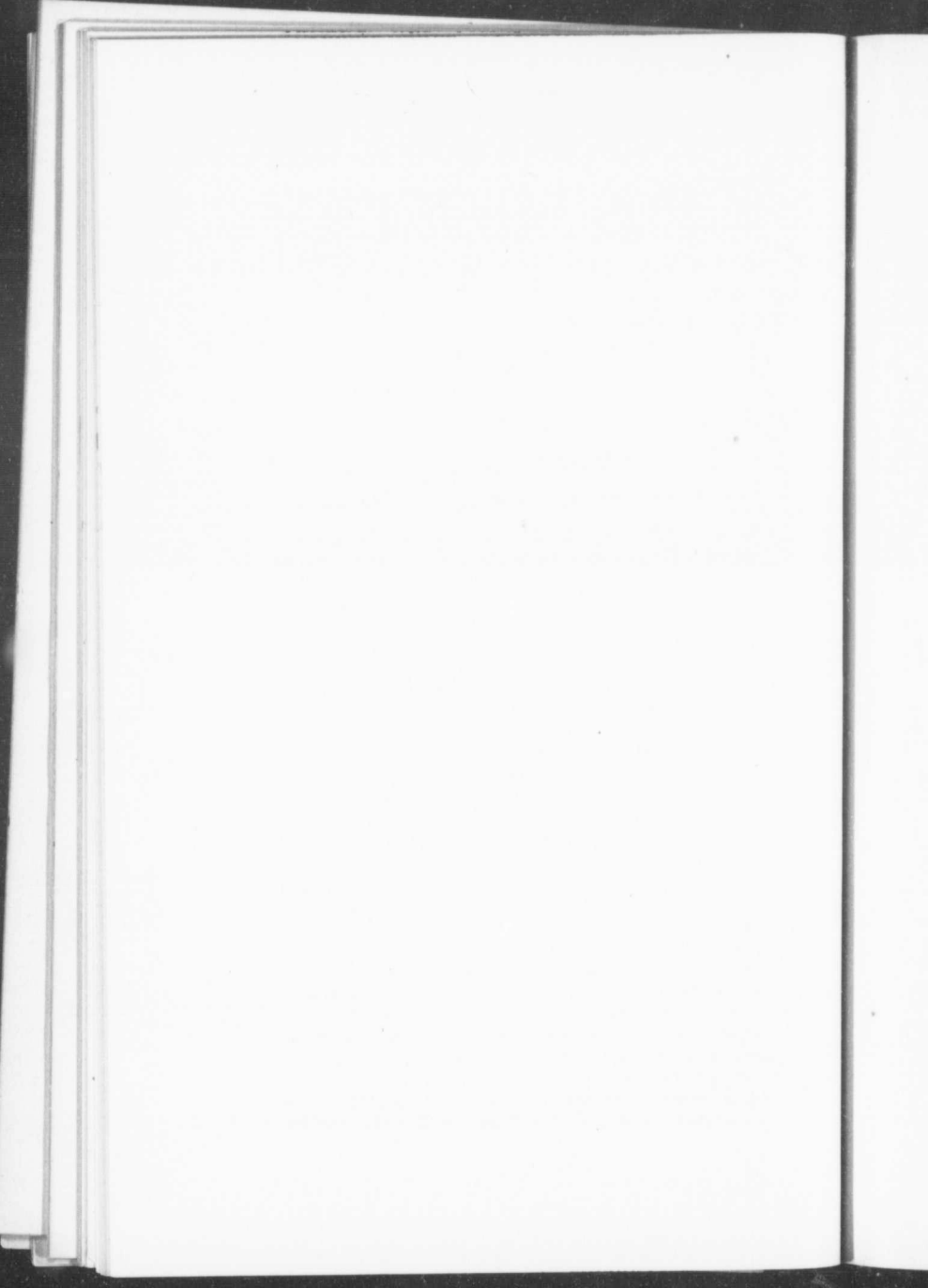
FORM 13.

BARRISTER'S BOND.

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

Know all men by these presents, that I, C. D. (*names in full*), of E., in the county of F., in this Province, gentleman, member of the Law Society of Upper Canada, now standing on the books of the said Law Society as a Student-at-Law 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 one thousand nine hundred and

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



of the said Society, passed as aforesaid, during such time as he shall continue on the books of the said Society as a member thereof—then this obligation shall be void; otherwise the same shall be and remain in full force, virtue and effect.

Sealed and delivered in the presence of

FORM 14.

PETITION FOR CALL.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

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

The petition of C. D. (*Christian and surnames at length*), of E., in the county of F., in this Province, gentleman, son of G. D., of the same place, merchant (or as the case may be), and a member of this Society, now standing on the books as a Student-at-Law, most respectfully sheweth,—That your petitioner is of the full age of _____ years; that he has received a professional education, which he trusts sufficiently qualifies him to commence the practice of the Profession of the Laws; that he is of _____ years' standing on the books of the Society as a Student-at-Law; and that he has received his professional education under the superintendence of J. K. (or of J. K. for the space of two years, L. M. for one year, and N. O. for two years, or as the case may be), a member of this Society of the degree of Barrister-at-Law; that he has since his admission into the Society, passed the first and second intermediate examinations in the month of _____, 19____, and of 19____, respectively.

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

Your petitioner, therefore, most respectfully prays, that his qualifications being first examined and found sufficient according to the rules of the Society, and Standing Orders of Convocation in that behalf, he may be called to the said Degree accordingly; and he doth hereby undertake and promise that he will faithfully and truly submit and con-

form 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.

Witness,
N. P.

Michaelmas Term.

C. D.
Vic.

FORM 15.

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 of the laws 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 practise 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.*)

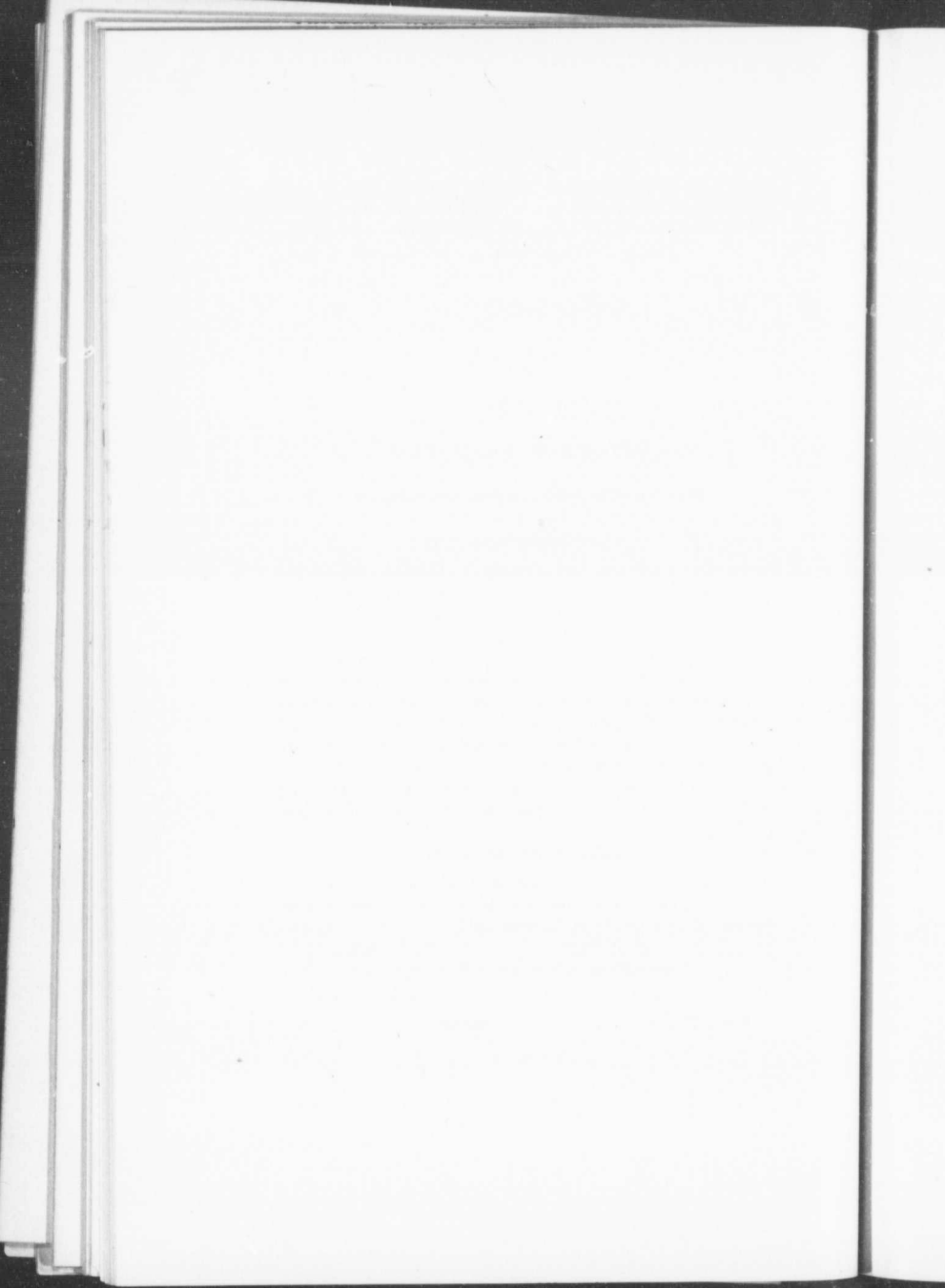
IN TESTIMONY WHEREOF

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 16.

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.*

FORM 17.

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, respectfully sheweth:—

THAT your petitioner is of the full age of _____ years; that he has received a professional education, which he trusts sufficiently qualifies him to commence the Practice of the Profession of Law, under the superintendence of _____ Barrister-at-Law (or 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 of the Laws in the month of _____, 19____. That his articles of clerkship were dated and executed on the _____ day of _____, 19____, and were duly filed 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.

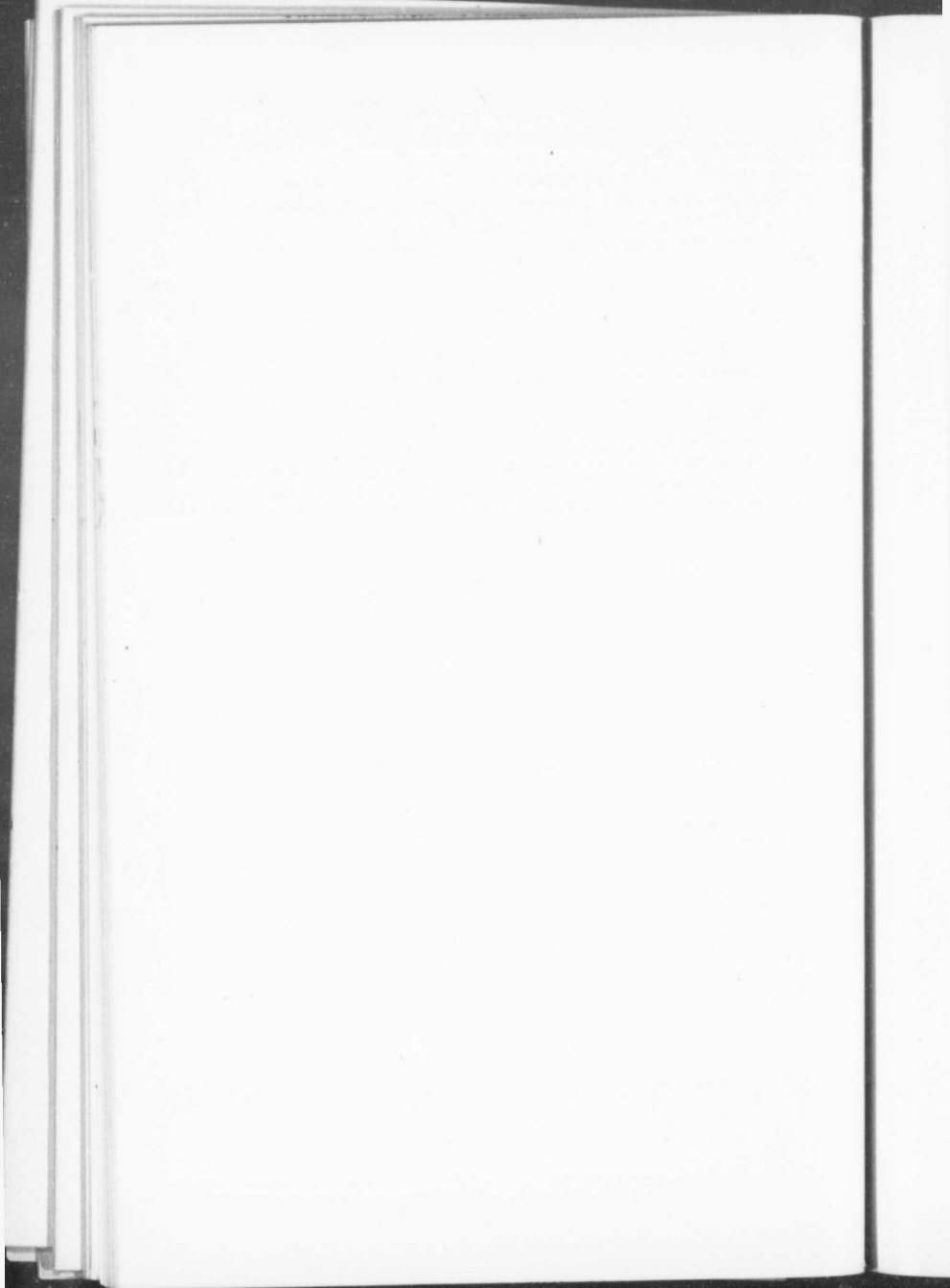
Your petitioner, therefore, respectfully prays, that his qualifications being first examined and found sufficient according to the Rules of the Society and Standing Orders of Convocation in that behalf, he may be called to the degree of Barrister-at-Law and admitted to practice at the Bar of His Majesty's 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, 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 _____ 19____.

Witness:

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FORM 18.

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 19.

NOTICE OF INTENTION TO APPLY.

SPECIAL CASES.

(To be given to the Secretary and published in *Ontario Gazette*.)

Province of Ontario }
To Wit: }

Notice is hereby given that I, _____ of
in the County of _____ a member of the Bar of
intend to apply to the Benchers of the Law Society of
Upper Canada in the month of _____, 19____, to be called
to the Bar of Ontario.

Dated at _____ the _____ day of _____ A.D. 19____.

.....
Applicant.

.....
Address.

FORM 20.

PETITION FOR CALL.—SPECIAL.

(By British or Colonial Barristers.)

Under *The Barristers Act*, sec. 3, (c), (d) and (e).

—

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 called to the Bar of Ontario.

That your petitioner was duly called to the Bar of _____ as appears by the certificate of _____ dated the day of _____ A.D. 19 _____, which is submitted herewith, and is still a member of the said Bar in good standing and since his call to the said Bar of _____ no application has been made to disbar or otherwise disqualify him from practice as such barrister and no charge is pending against him for professional or other misconduct as appears by the said certificate.

[In case any application has been made the candidate shall set forth the facts and show the results.]

That the Inn of Court or other authority having power to call or admit persons to the Bar of _____ extends to members of the Bar of Ontario the privilege of being called to the Bar of _____ on terms similar to those under which members of the Bar of _____ may be called to the Bar of Ontario as appears by the certificate of _____ dated the _____ day of _____ A.D. 19 _____, which is submitted herewith.

That your petitioner submits herewith testimonials of good character and conduct.

Your petitioner, therefore, respectfully prays, that his qualifications being first examined and found sufficient according to the Rules of the Society in that behalf, he may be called to the Bar of Ontario 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

WESTERN
INDEPENDENT LABOR
UNION



he shall continue on the books of the said Society as a member thereof.

Dated at the day of A.D. 19 .

.....
Name.

.....
Address.

FORM 21.

PETITION FOR CALL—SPECIAL.

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

Under *The Barristers 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 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 sufficient 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 22.

DECLARATION—BRITISH OR COLONIAL
BARRISTER.

Province of Ontario } In the matter of the application
County of } of
To Wit: } to be called to the Bar of Ontario.

I, _____ of the _____ County of _____
Do solemnly declare that I am a British subject and that
I was duly called to the Bar of _____ as
appears by the certificate of _____ dated the
day of _____ A.D. 19 _____, hereto annexed, that I am
the person mentioned in the said Certificate and that I
am still a member of the said Bar in good standing and
since my call to the Bar no application has been made to
disbar or otherwise disqualify me from practice as such
Barrister and no charge is pending against me for pro-
fessional or other misconduct, as appears by the said cer-
tificate.

That the notice, a true copy of which is hereto annexed,
was published in the *Ontario Gazette* once a week for two
months, to wit: on the _____ and _____ of the
month of _____ 19 _____, and on the _____ and
_____ of the month of _____ 19 _____.

And I make this solemn declaration, conscientiously be-
lieving 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
this _____ day of _____
A.D. 19 _____ }
in the County _____ }
at _____ }
A Commissioner, etc.

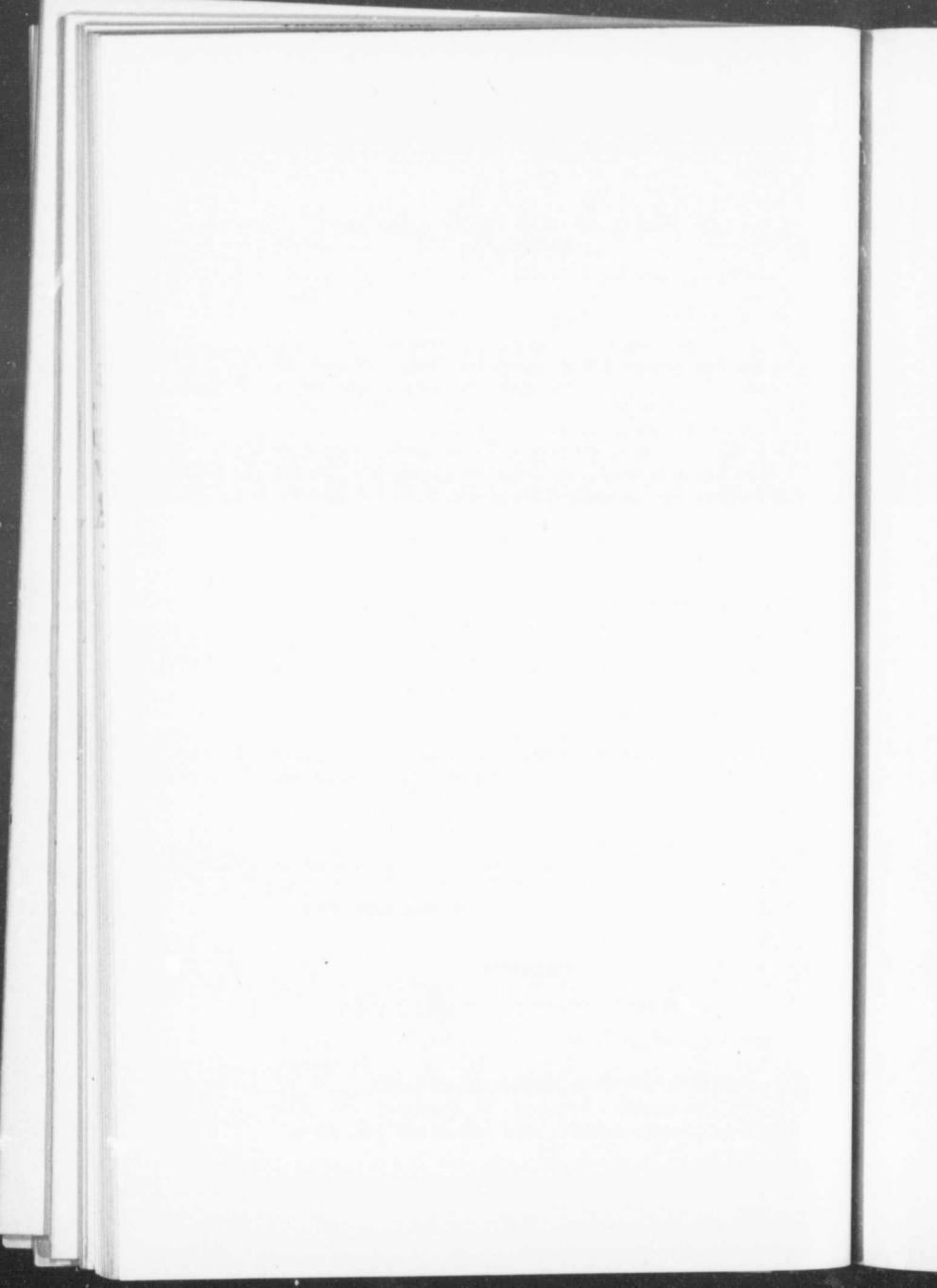
FORM 23.

DECLARATION—ONTARIO SOLICITOR.

Province of Ontario } In the matter of the application
County of } of
To Wit: } to be called to the Bar of Ontario.

I, _____ of the _____ County of _____
Do solemnly declare that I am a British subject and that

WYOMING STATE UNIVERSITY
LARAMIE, WYOMING



FORM 25.

Call (Special.)

NOTICE OF CALL.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL.

Mr. Bencher, gives notice that
 a member of the Bar of will,
 at the next meeting of Convocation, be presented to the
 Benchers of this Society in Convocation, for the purpose
 of being called to the Bar of Ontario.

Dated the day of 19 .

.....

FORM 26.

ADMISSION—SPECIAL CASES.

NOTICE OF INTENTION TO APPLY.

(To be given to the Secretary and published in the
Ontario Gazette.)

PROVINCE OF ONTARIO)

To Wit:)

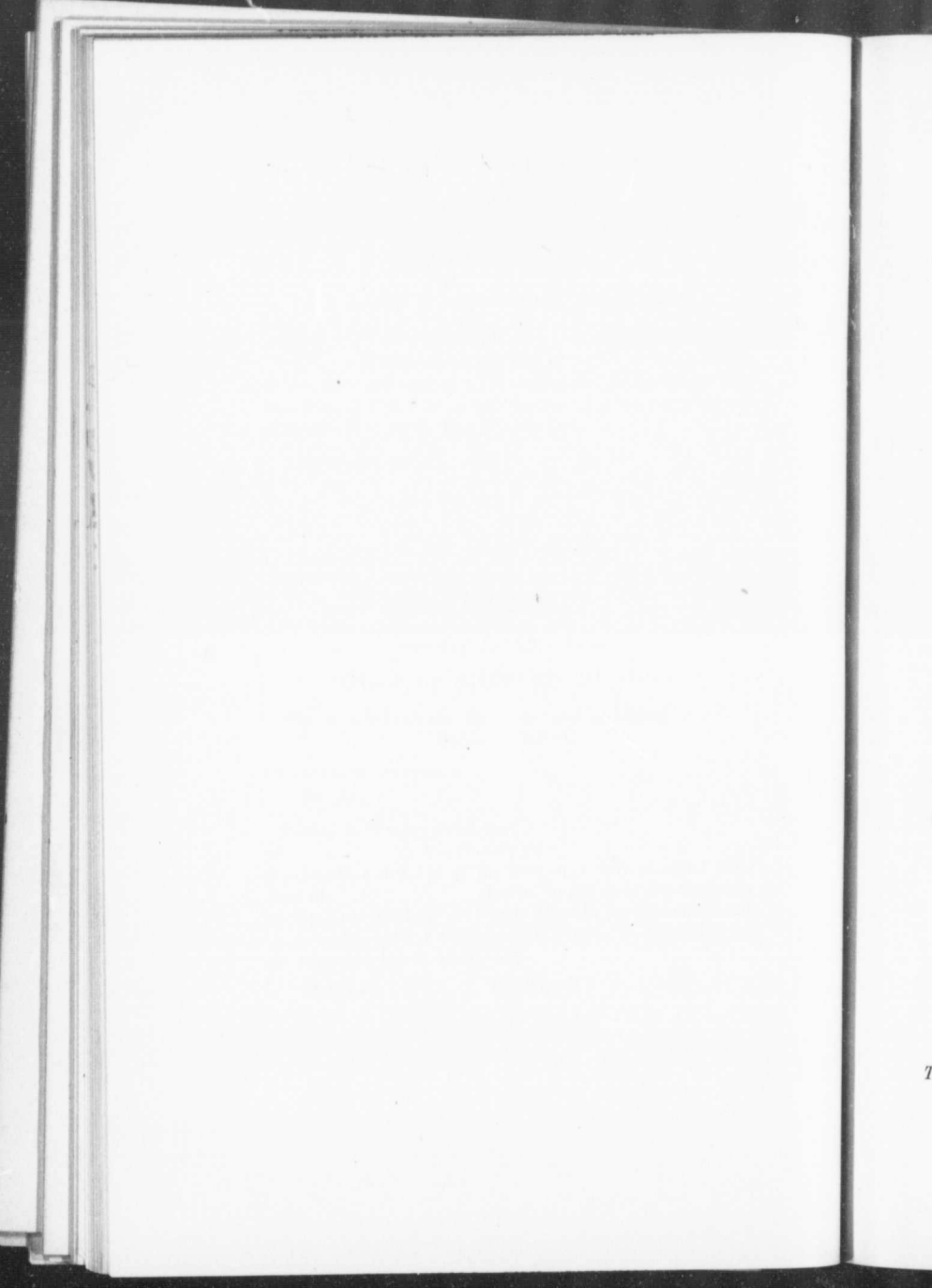
Notice is hereby given that I,
 of in the County of
 gentleman, a member of the Bar, or a duly enrolled Soli-
 citor of intend to apply to the Benchers
 of the Law Society of Upper Canada in the month of
 , 19 , for a Certificate of Fitness as a Solicitor of
 the Supreme Court of Ontario.

Dated at the day of 19 .

.....

Applicant.

BOOK
SERIES
FOR
LIBRARY



FORM 27.

PETITION FOR ADMISSION AS SOLICITOR
(SPECIAL).

(By British or Colonial Barristers.)

Under *The Solicitors Act*, sec. 6 (c).*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 _____ on the _____ day of _____ A.D. 19 _____ as appears by the Certificate of _____ dated the _____ day of _____ A.D. 19 _____, which is submitted herewith, and is still a member of the said Bar in good standing and since his Call to the said Bar of _____ no application has been made to strike him off the Rolls or to disbar or otherwise disqualify him from practice at the said Bar of _____ and no charge is pending against him for professional or other misconduct, as appears by the said certificate.

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 28.

PETITION FOR ADMISSION AS SOLICITOR
(SPECIAL).

(By British or Colonial Solicitor.)

Under *The Solicitors Act*, sec. 6, (d), and (e).*To the Benchers of the Law Society of Upper Canada in Convocation:*

The Petition of _____ of _____ in the County

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 sworn, admitted and enrolled as a Solicitor of _____ on the _____ day of _____ A.D. 19____, as appears by the Certificate of _____ dated the _____ day of _____ A.D. 19____, which is submitted herewith, and still remains enrolled as such solicitor in good standing and since his admission as a Solicitor as aforesaid, no application has been made to strike him off the Roll of any Court or otherwise disqualify him from practice as such Solicitor, and no charge is pending against him for professional or other misconduct, as appears by said Certificate.

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 29.

PETITION FOR ADMISSION AS SOLICITOR
(SPECIAL).

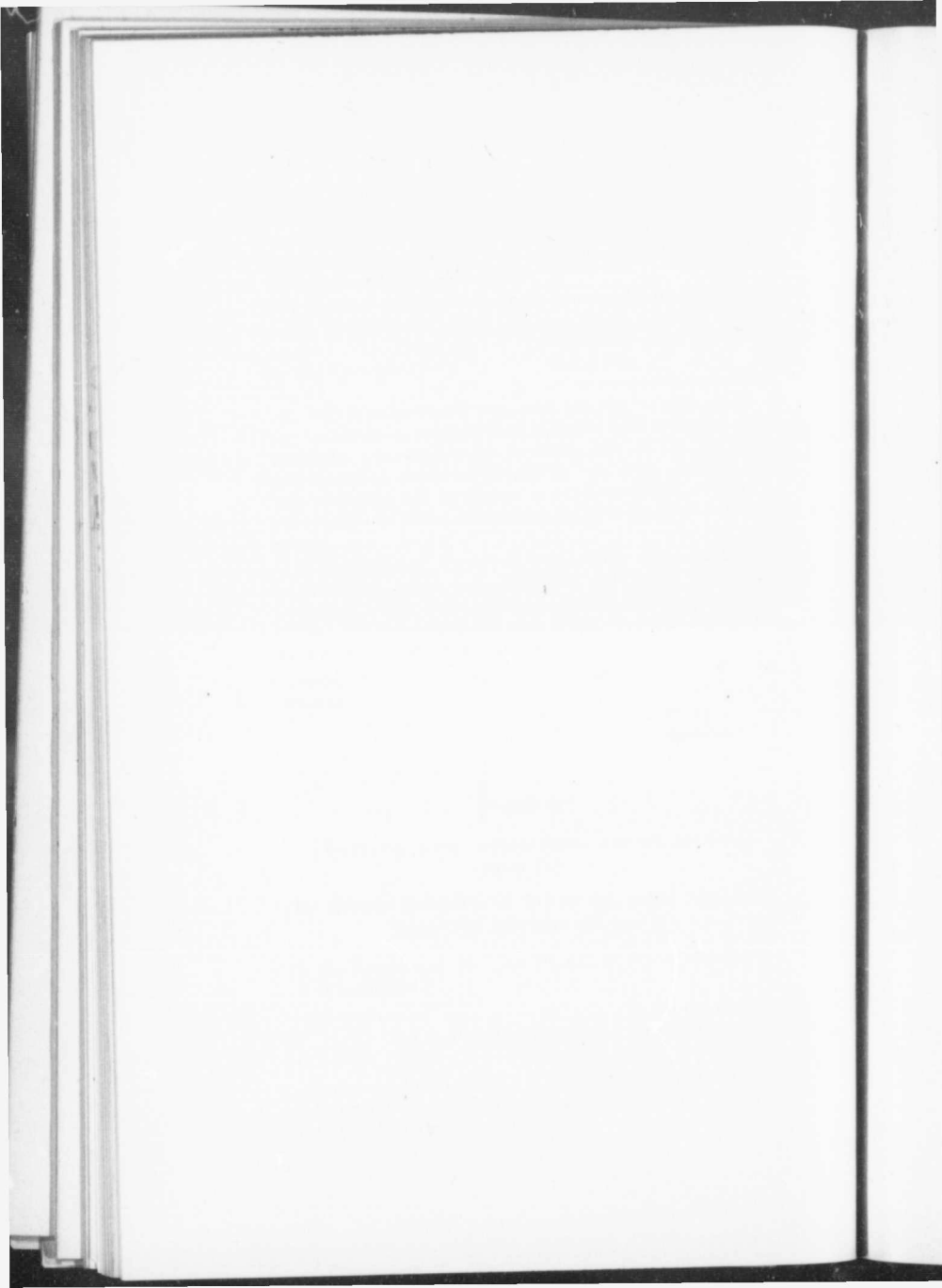
(By Ontario Barristers of five or ten years' standing.)
Under *The Solicitors Act*, sec. 7.

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.

WESTERN HISTORICAL PHOTOGRAPHY



THAT your Petitioner was duly called to the Bar of Ontario in the month of _____, A.D. 19____, and has practised 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 30.

ADMISSION AS SOLICITOR (SPECIAL.)

TESTIMONIALS OF CHARACTER AND CONDUCT.

(British or Colonial Barrister or Solicitor.)

LAW SOCIETY OF UPPER CANADA.

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

GENTLEMEN:—I,

of _____ in the County of _____ a member of the Bar of Ontario, hereby present to the Examining Committee and to Convocation _____ of _____ in the County of _____ in this Province, gentleman, for the purpose of his being examined, admitted, and enrolled as a Solicitor and I hereby certify that I have known the said _____ for a period of _____ years and I know him to be of good character and in my opinion the said _____ is a fit and proper person to be admitted and enrolled as a Solicitor.

.....

FORM 31.

ADMISSION AS A SOLICITOR (SPECIAL).

DECLARATION—BRITISH OR COLONIAL
BARRISTER.

PROVINCE OF ONTARIO, } In the matter of the application
County of } of
To Wit: } to be admitted 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 _____ as
appears by the Certificate of _____ dated the
day of _____ A.D. 19 _____, hereto annexed.

THAT I am the person mentioned in the said certificate
and that I am still a member of the said Bar in good
standing and that since my call to the said Bar of _____
no application has been made to disbar or otherwise dis-
qualify me from practice as a Barrister and no charge is
pending against me for professional or other misconduct
as appears by the said certificate.

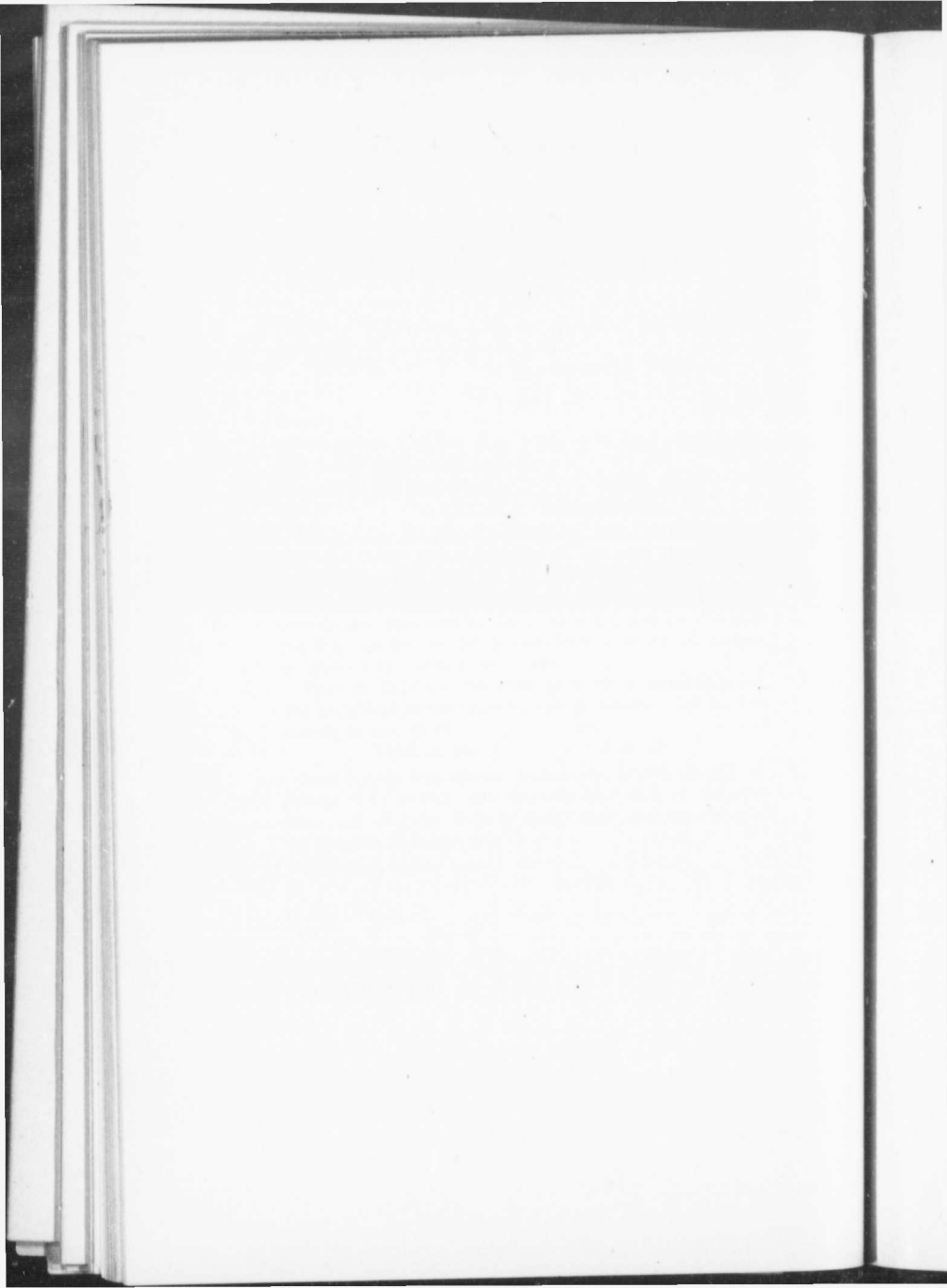
THAT the notice, a true copy of which is hereto annexed,
was published in the *Ontario Gazette* once a week for two
months to wit: on the _____ and _____ days of
_____ and on the _____ A.D. 19 _____.

AND I make this solemn declaration, conscientiously be-
lieving 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.

THE UNIVERSITY OF CHICAGO
PHYSICS DEPARTMENT
PHYSICS 551
LABORATORY
CHICAGO, ILL. 60637



FORM 32.

ADMISSION AS SOLICITOR (SPECIAL).

DECLARATION—BRITISH OR COLONIAL
SOLICITOR.

PROVINCE OF ONTARIO, } In the matter of the application
 County of } of
 To Wit: } to be admitted as a Solicitor.

I, _____ of the
 in the _____ County of _____
 DO SOLEMNLY DECLARE that I am a British subject and that
 I was duly sworn, admitted and enrolled and have been in
 actual practice as a Solicitor of _____ as
 appears by the Certificate of _____ dated the
 day of _____ A.D. 19 _____, hereto annexed.

THAT I am the person mentioned in the said Certificate
 and that I still remain duly enrolled as such and in good
 standing, and that since my admission as aforesaid no ad-
 verse application has been made to strike me off the Roll
 of any Court or otherwise to disqualify me from practice
 as such Solicitor and that no charge is pending against me
 for professional or other misconduct as appears by the
 said Certificate.

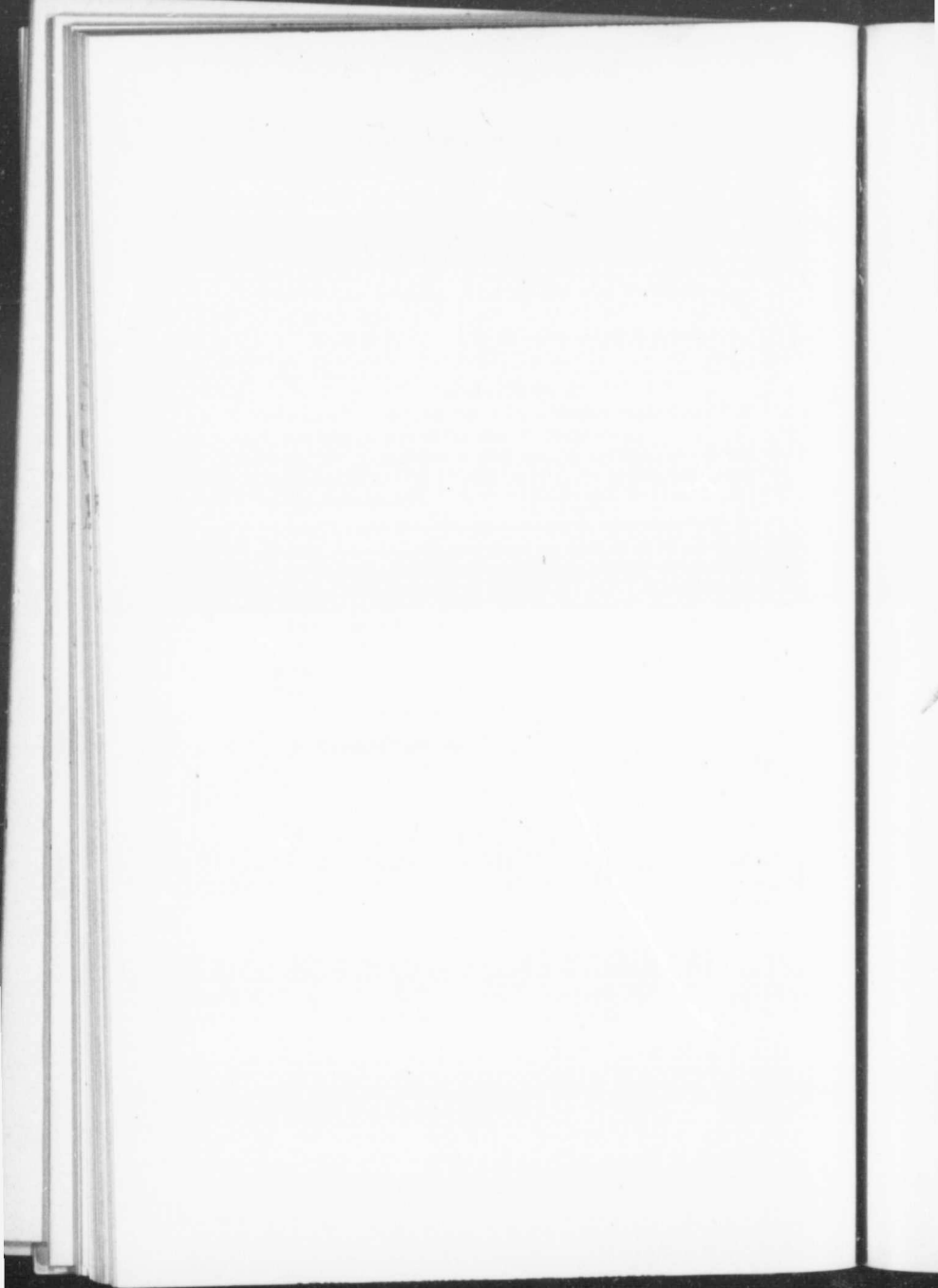
THAT the notice, a true copy of which is hereto annexed,
 was published in the *Ontario Gazette* once a week for two
 months, to wit: on the _____ and _____ days
 of _____ and on the _____ and days of
 A.D. 19 _____.

AND I make this solemn declaration, conscientiously be-
 lieving 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.

WIND UNIVERSITY FOR FREEDOM



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AN ACT RESPECTING THE LAW SOCIETY OF UPPER CANADA

R.S.O. (1914), CHAPTER 157.

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

1. This Act may be cited as *The Law Society Act*.
2. In this Act "the Society" shall mean "The Law Society of Upper Canada."

LAW SOCIETY CONTINUED.

3. The Treasurer and Benchers of the Society, and their successors, shall continue to be a body corporate and politic, by the name of "The Law Society of Upper Canada," and may purchase, take and possess for the purposes of the Society, but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate.

4. The Annual Terms of the Society shall be:—
 - (a) Hilary Term, which shall commence on the first Monday in February and end on Saturday in the ensuing week;
 - (b) Easter Term, which shall commence on the third Monday in May and end on the fourth Saturday thereafter;
 - (c) Trinity Term, which shall commence on the second Monday in September and end on Saturday of the ensuing week;
 - (d) Michaelmas Term, which shall commence on the third Monday in November and end on the third Saturday thereafter.

5. The Judges of the Supreme Court shall be Visitors of the Society.

6. Members of the Bar of Ontario, and persons admitted to the Society as Students at Law, shall be members of the Society.

ELECTION OF BENCHERS.

7.—(1) 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.

(2) So long as he does not practice as a Barrister or Solicitor, and is in receipt of an annuity granted under The Judges' Act (Canada),

- (a) 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
- (b) Every retired judge of the Supreme Court of Judicature for Ontario

shall be *ex officio* a Bencher of the Society.

(3) Nothing herein shall affect the right of any one who has hitherto been held to be a retired judge, and who is now *ex officio* a Bencher.

8. 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.

9.—(1) The Benchers shall, during the Term 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 assist the Treasurer and act for him in his absence, in counting the votes.

(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.

THE UNIVERSITY OF CHICAGO
LIBRARY



10.—(1) An election shall be held on the first Thursday after the second Wednesday in April, 1916, 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.

(2) If any scrutineer is absent during the scrutiny the others may proceed therewith.

11. 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 30 persons for Benchers pursuant to this Act.

12.—(1) The Secretary shall, on the first day of Hilary Term 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.

(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 five days before the last day of such term, 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.

(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 fifth 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.

(4) The Secretary shall add to the list the names of all persons called to the Bar during the Term next preceding the election; and no alteration shall be made in the list except as provided in this section.

13. No person shall be eligible as a Benchers at any election who is not qualified to vote at the election.

14. At all elections retiring Benchers shall be eligible for re-election.

15.—(1) No person shall be elected as a Benchers 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.

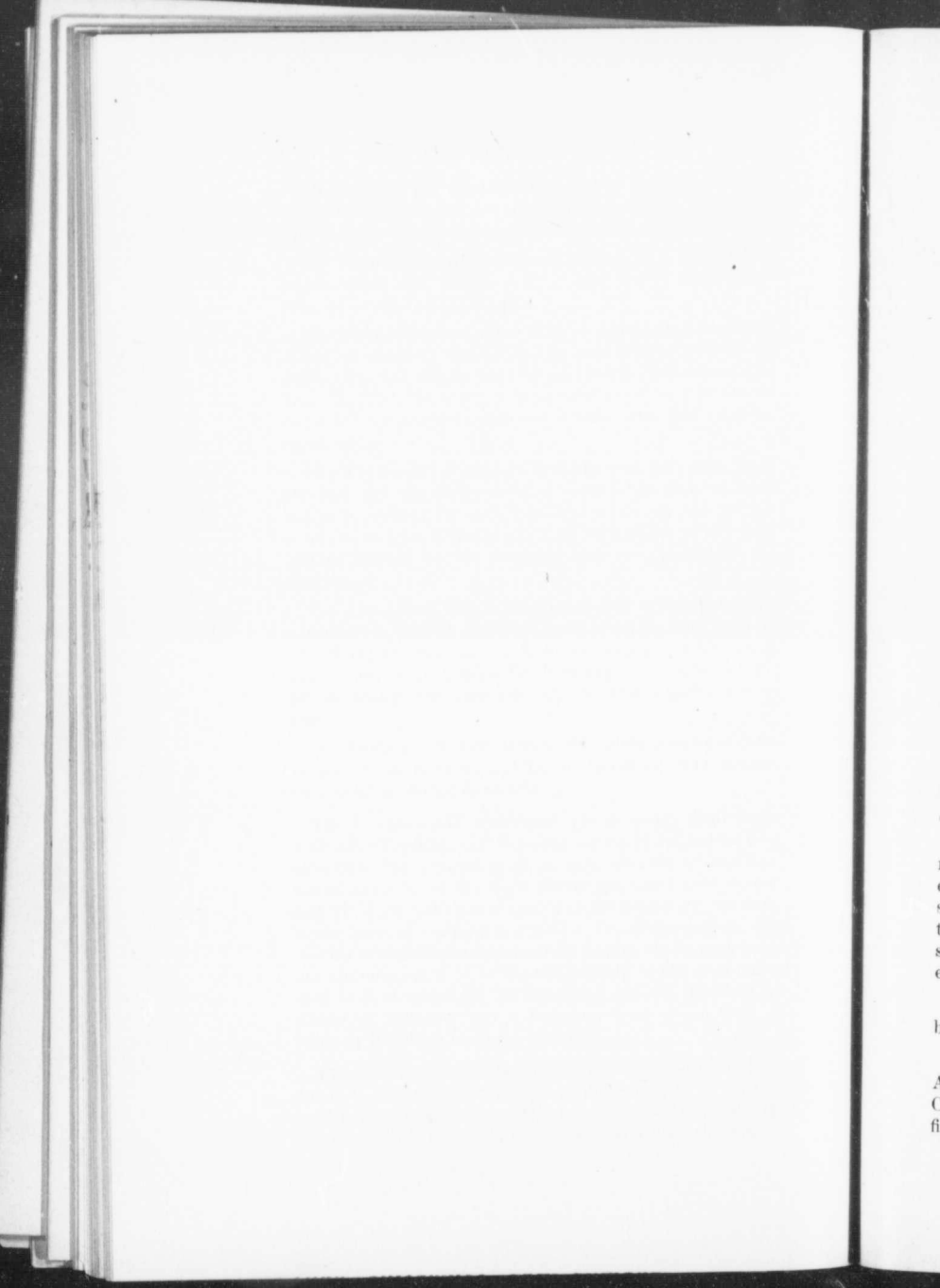
(5) Any person who is nominated may refuse to become a candidate, and he shall be deemed not to have been so nominated and his name shall not be included in the list of candidates, if he notifies the Secretary in writing of his refusal within four days after the mailing of such notice to him.

(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.

16. 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 alphabetical list mentioned in section 12, if his residence is known to the Secretary, one copy of the form of voting paper with a list of the persons who remain as candidates pursuant to section 15, in such manner and at such time before the holding of the election, as may be determined by the Benchers, and the list shall indicate by asterisks and a footnote those whose term of office as Benchers is about to expire.

17. 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.

STATE OF NEW YORK
IN SENATE
JANUARY 15, 1914.
REPORT
OF THE
COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO A
RESOLUTION PASSED
BY THE SENATE
MAY 15, 1913.
ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS.
1914.



18. 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.

19. A vote cast for any person who is ineligible to be a Bencher, or who is a Bencher *ex officio* shall be null and void; and the election shall be declared as if such vote had not been cast.

20. 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.

21. 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.

22.—(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 19, 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.

23. Any person entitled to vote at any such election shall be entitled to be present at the counting of the votes.

24. 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 reording the votes thereat and declaring the result thereof, and such proceedings shall, so far as practicable, be conformable with those provided by this Act.

25. 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*.

26. 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.

27. 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.

28. 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.

29. 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.

30. The elected Benchers shall take office on the first day of Easter Term following their election, and, subject to the provisions of this Act, shall hold office until the beginning of the fifth Easter Term after they have entered on their office.

31.—(1) The seat of a Bencher, other than an *ex officio* Bencher, who has failed to attend the meetings of the Benchers for four consecutive Terms, shall at the expiration of that period *ipso facto* become vacant.

THE UNIVERSITY OF CHICAGO
LIBRARY



(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.

32. The Benchers at any meeting in the first Easter Term after the election 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.

33.—(1) A petition shall not be entertained unless it is filed with the Secretary at least ten days before the first day of Easter Term 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 at least ten days before the first day of such Term; and no ground not mentioned in the petition shall be entertained on the hearing thereof.

(2) The Benchers, or the committee appointed for that purpose, shall, during the first week of such Term, 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 during such Term.

34. 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 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.

35.—(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.

36. 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, with all convenient speed, at a meeting to be specially called for the purpose, to be held during the next Term thereafter, 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 beginning of the first Easter Term after the next Quinquennial Election.

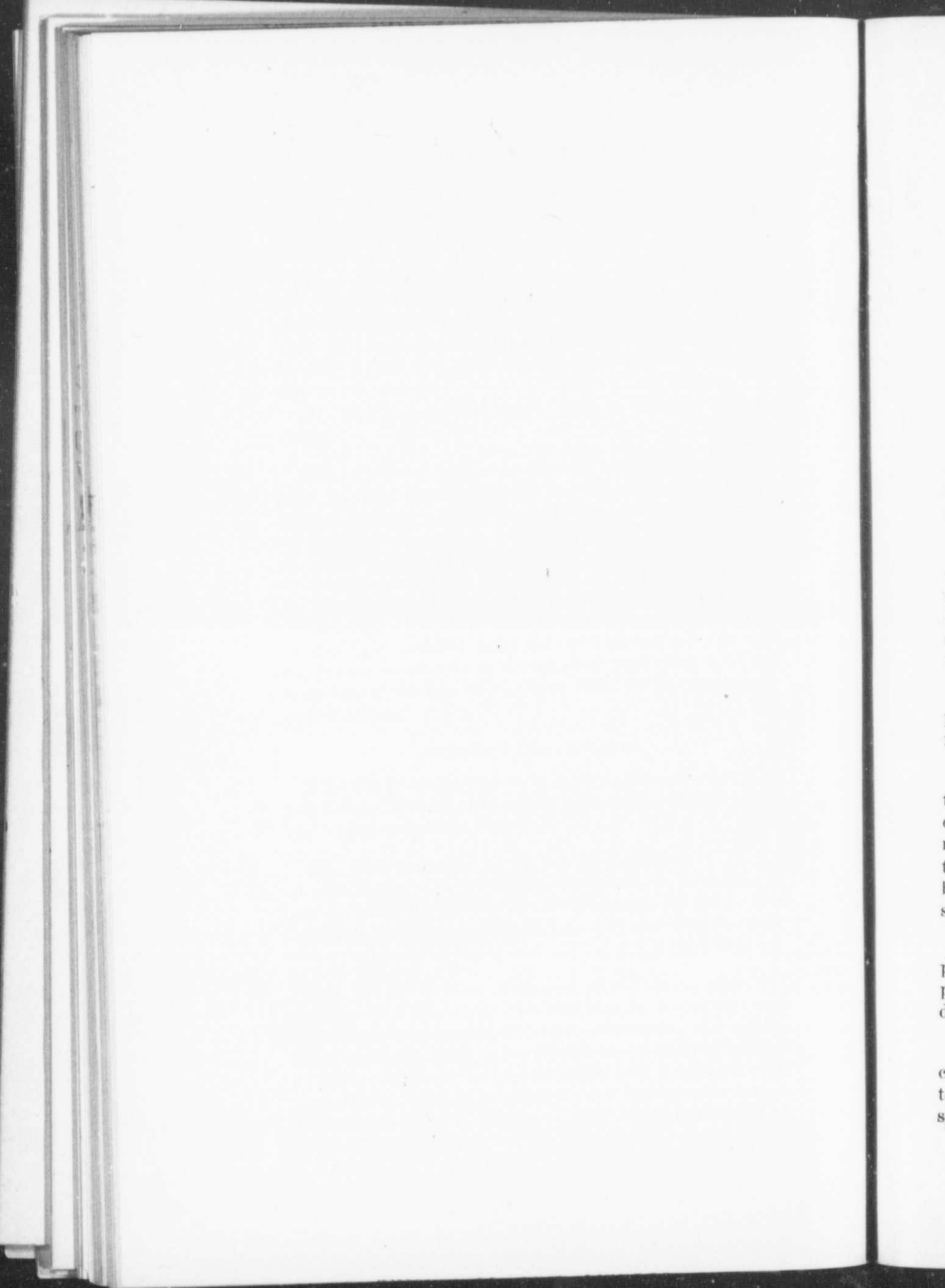
POWERS OF THE BENCHERS.

37. The Benchers may make rules for the government of the Society, and other purposes connected therewith under the inspection of the Visitors.

38. The Benchers may by rule abolish Terms and 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.

39. 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.

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40. The Benchers may appoint such officers and servants as they may deem necessary for the purposes of the Society.

41. The Benchers may appoint examiners to conduct the examination of students at law and articled clerks and of persons applying to be called to the Bar or to be admitted as solicitors.

42. The Benchers may make rules for the improvement of legal education including the establishment and maintenance of a Law School; appoint readers and lecturers with salaries; impose fees and prescribe rules for the attendance of students and articled clerks and others at readings or 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 in connection therewith.

43.—(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 practice 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.

(2) The Benchers may in their discretion make rules, providing for the admission of women to practise as Barristers and Solicitors.

44.—(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 by law 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.

45. 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 artied clerks, the period and conditions of such service, and the admission of Solicitors to practise in the Courts, and all other matters relating to the discipline and conduct of Solicitors and artied clerks.

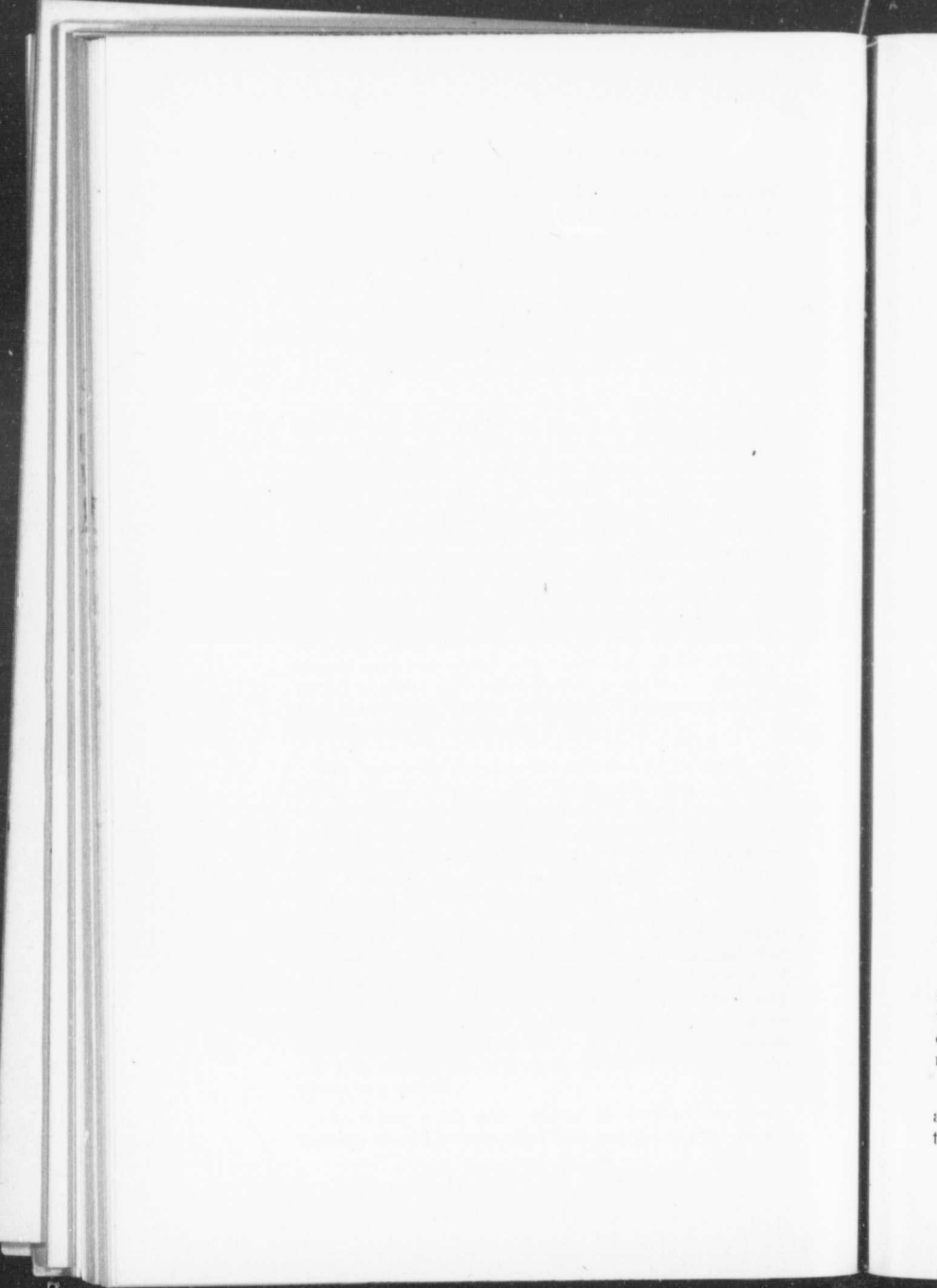
46. Where a Barrister, Solicitor, Student-at-Law or artied clerk is found by the Benchers, after due inquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a Barrister, Solicitor, Student-at-Law, or artied clerk, the Benchers may disbar any such 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 or artied clerk and strike his name from the books of the Society; and may refuse either absolutely or for a limited period to admit such artied clerk to the usual examinations, or to grant him the certificate of fitness necessary to enable him to be admitted to practice.

47. Upon a Barrister being disbarred, 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 High Court Division.

48.—(1) 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 High Court Division, and thereupon, without any formal motion, an order of the Supreme Court may be drawn up, striking such Solicitor off the roll, but he may at any time afterwards upon application to the Court be restored to practise.

(2) Where it has been resolved by the Benchers that a Solicitor should be suspended from practising for a period

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named in the resolution, a copy of the resolution shall be forthwith communicated to the Senior Registrar of the High Court Division and thereupon, without any formal motion, an order of the Supreme Court may be drawn up suspending such Solicitor from practising for such period.

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.

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 County Law Library Association which neglects or refuses to comply with such rules or regulations.

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.

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.

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 and articled clerks 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.

54. The Society shall, during Hilary Term in every year, furnish to every member of the Society entitled to vote at the election of Benchers, a statement in detail of the revenue and expenditure of the Society, for the year ending on the next preceding 31st day of December, the same to be first duly audited by an auditor appointed by the Benchers to audit the accounts and report upon the finances of the Society.

SCHEDULE.

FORM 1.

(Section 17.)

VOTING PAPER.

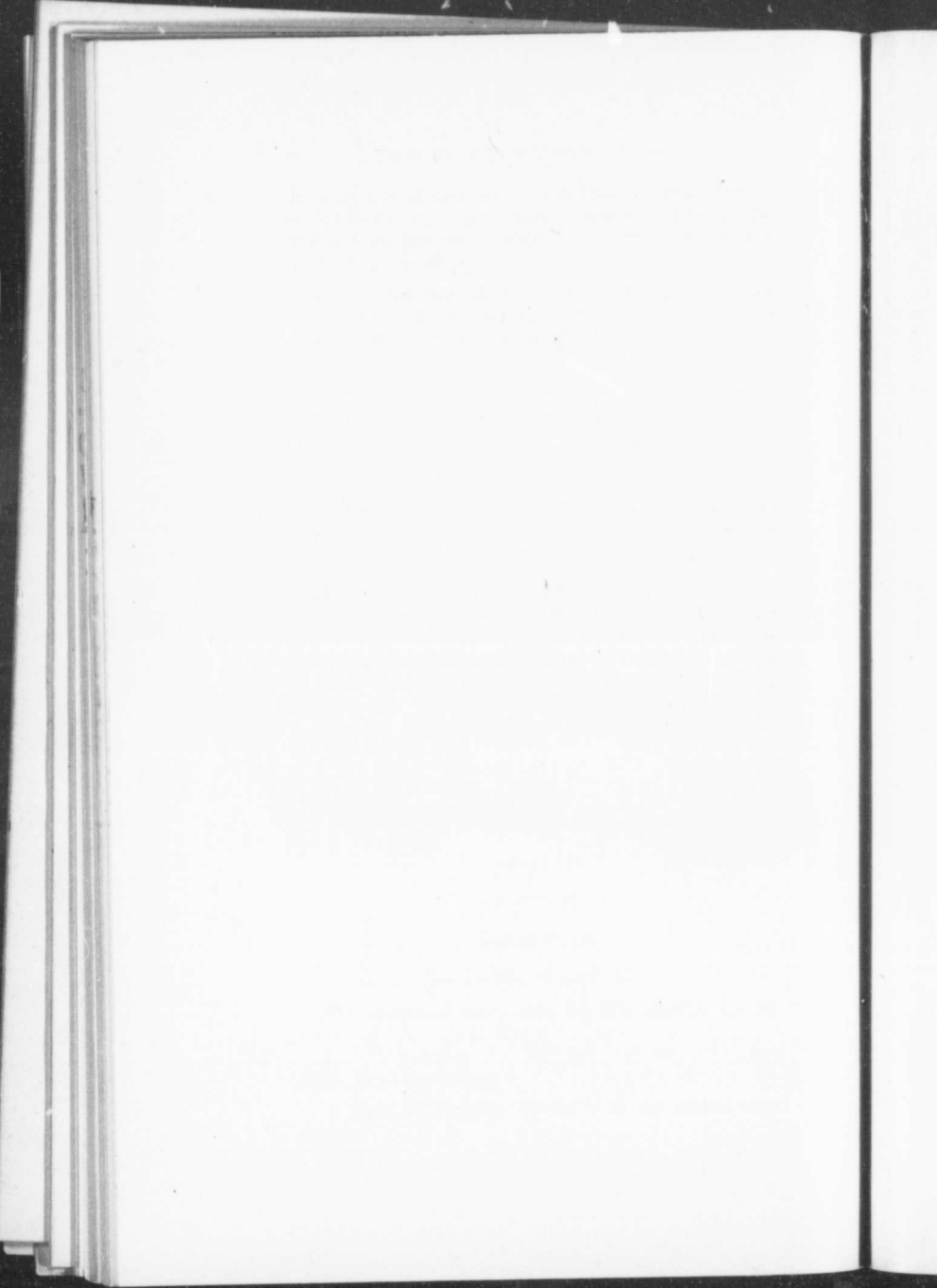
Law Society Election, 19 .

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.

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

A.B., of _____, in the _____ of _____.

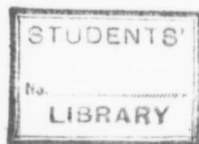
C.D., of _____, in the _____ of _____.

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 _____.



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AN ACT RESPECTING BARRISTERS- AT-LAW

R.S.O. (1914), CHAPTER 158.

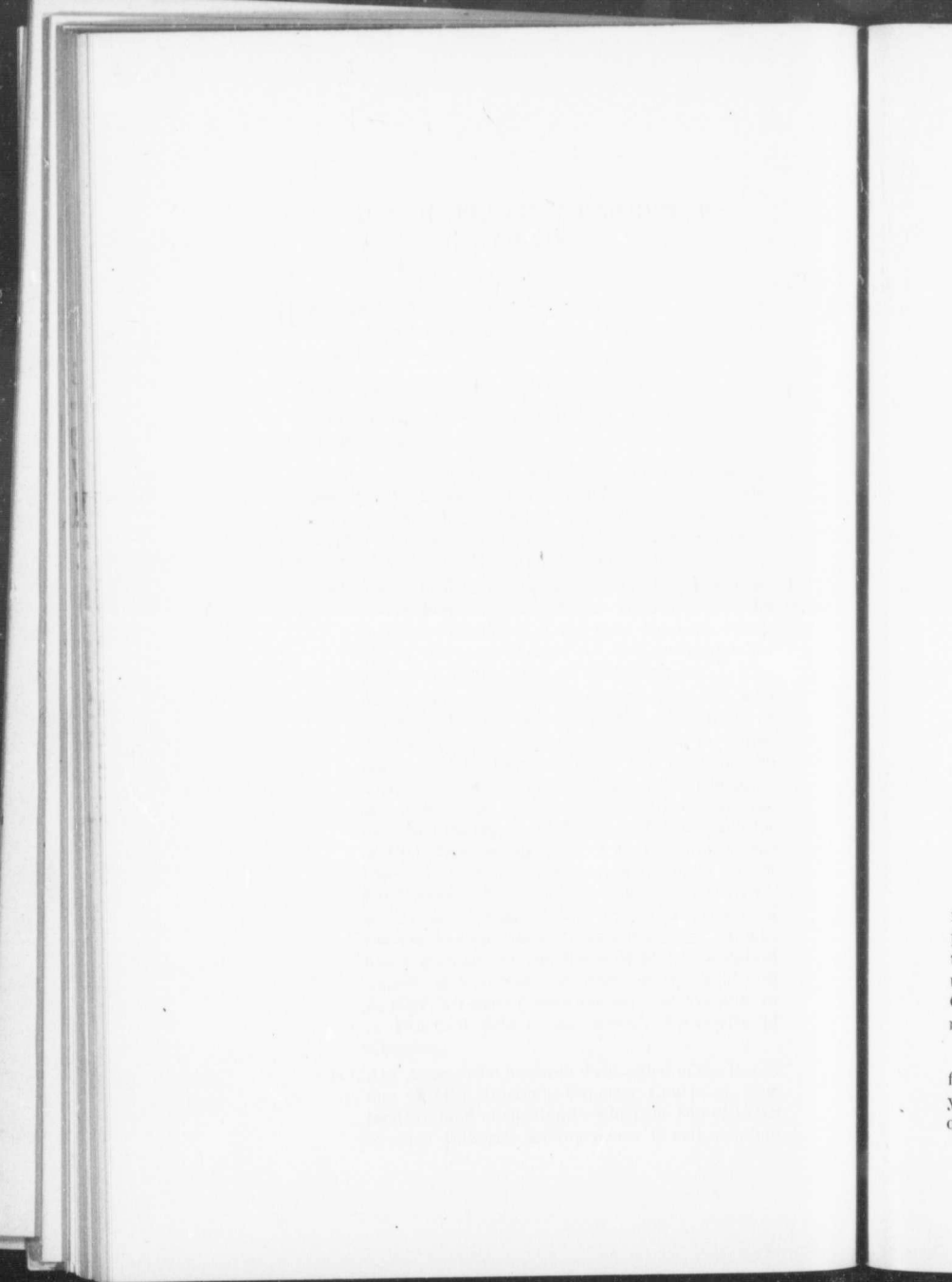
HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Barristers Act*.

2. In this Act the Society shall mean The Law Society of Upper Canada.

3. Subject to any rules, regulations or by-laws made by the Benchers of the Society under *The Law Society Act*, the following persons, being British subjects, and, except as hereinafter provided, no others, may be admitted to practise at the Bar in His Majesty's Courts in Ontario:—

- (a) Any person of the age of twenty-one years, who, having been entered of and admitted into the Society as a student of the laws, 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 has been admitted into and stands on the books of the Society as a student of the laws for three years, and has conformed to the rules of the Society, and, who prior to the date of his admission as a student, has actually taken and had conferred upon him the degree of Bachelor of Arts, Bachelor of Civil Law or Bachelor of Law in any of the Universities of the United Kingdom or of any of His Majesty's Dominions or Colonies, or any University or College in any of the Provinces of Canada having power to grant degrees, or who was a graduate of the Royal Military College of Canada or who was a graduate of the faculty of Applied Science of the University of Toronto, or in Practical Science of Queen's University of Kingston;
- (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 Court 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 authorized to practise as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law in all Courts of Justice in Quebec, or who has been found capable and qualified, and entitled to receive a diploma for that purpose under the provisions of the Acts respecting the incorporation of the Bar of Quebec, or who has been duly registered as a clerk and studied during the periods for study respectively required under the provisions of those Acts, on producing sufficient evidence thereof, and testimonials of good character and conduct to the satisfaction of the Society, and undergoing an examination in the law of Ontario to its satisfaction, and upon his entering himself of the Society, and conforming to all the rules thereof;
- (e) Any person who has been duly called or admitted or is entitled to be 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 or of the right to be called or admitted and testimonials of good character and conduct to the satisfaction of the Society.

4.—(1) Persons who had 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.

5. 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.

KING'S COUNSEL AND PRECEDENCE.

6. It was and is lawful for the Lieutenant-Governor by Letters Patent, under the Great Seal, to 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.

7.—(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;

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- (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.

8. 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;
- (d) The members of the Bar who were, before the 1st day of July, 1867, appointed Her Majesty's Counsel for Upper Canada, according to seniority of appointment.

9. 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.

10. Members of the Bar appointed after the 1st day of July, 1867, to be Queen's Counsel or King's Counsel for Ontario, and members of the Bar to whom patents of precedence are granted shall severally have precedence in the Courts according to seniority of appointment unless otherwise provided in the Letters Patent.

11. The remaining members of the Bar shall, as between themselves, have precedence in the Courts in the order of their call to the Bar.

12. 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.

AN ACT RESPECTING SOLICITORS

R.S.O. (1914), CHAPTER 159.

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

1. This Act may be cited as *The Solicitors Act*.
2. 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;
 - (c) "Term" and "Terms" shall mean the terms mentioned in *The Law Society Act*.

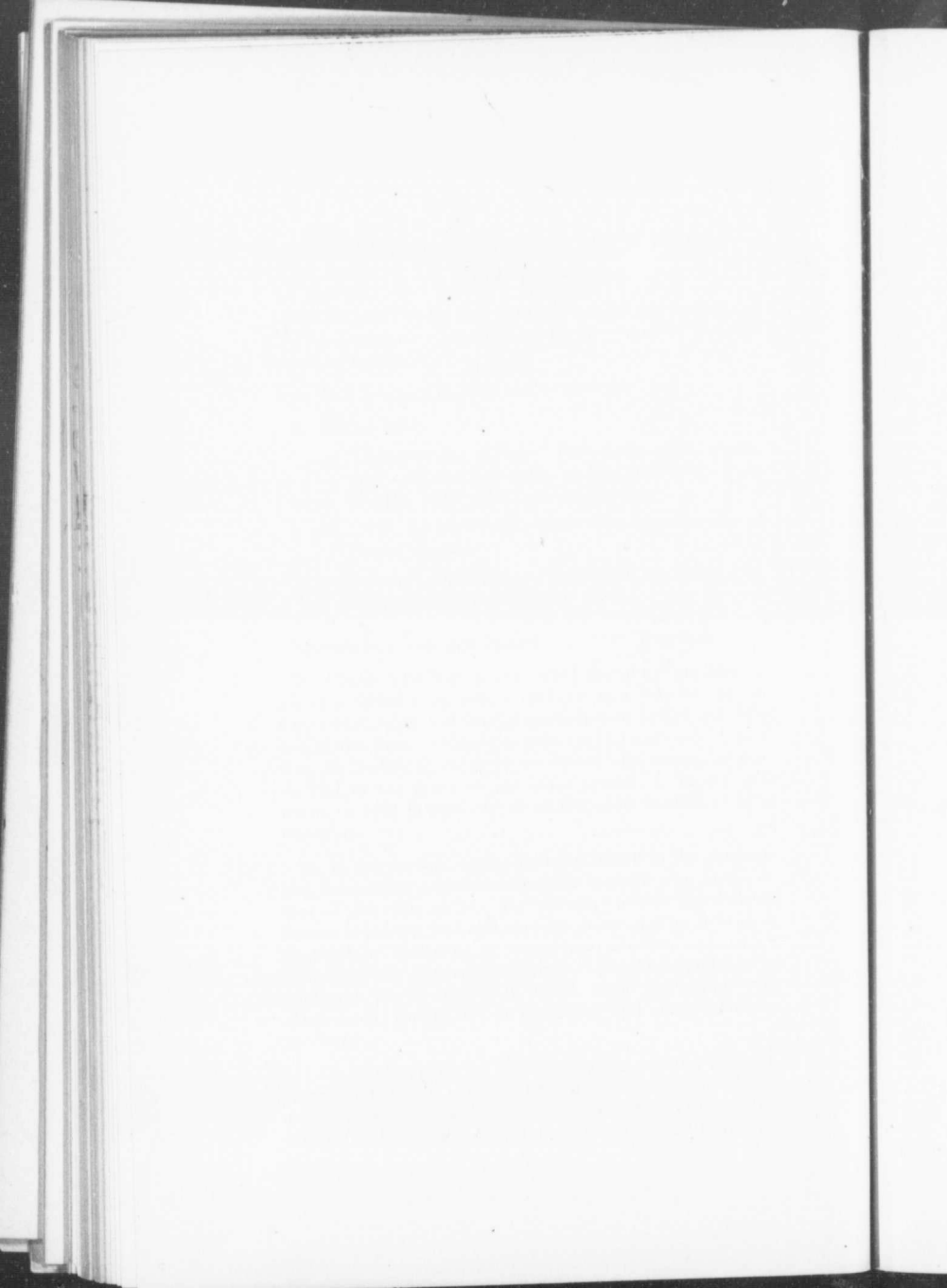
PROHIBITION AGAINST PRACTISING WHEN UNQUALIFIED.

3. 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.

4. 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.

[As to practising in Division Courts see the *Division Courts Act*, R.S.O., c. 63, s. 110, and as to proceedings to enforce claims of lienholders for sums not exceeding \$100 under *The Mechanics' Lien Act*, see R.S.O., c. 140, s. 37(7).]

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WHO MAY BE SOLICITORS.

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

(2) All persons who, if *The Ontario Judicature Act*, 1881, had not been passed, would have been entitled to be admitted as Solicitors or Attorneys of, or been by law empowered to practise in, any such Courts, shall be entitled to be admitted on payment of the fees mentioned in section 16, and shall be so admitted by the Court, and when so admitted shall be Solicitors of the Supreme Court.

(3) Solicitors to whom this section applies shall be officers of the Supreme Court; and that Court or either Division or any Judge thereof, may exercise the same jurisdiction in respect of such 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.

6. Subject to the provisions hereinafter contained and to any rules of the Society, the following persons, being British subjects, and except as hereinafter provided, no others may be admitted and enrolled as Solicitors:—

- (a) Any person of the age of twenty-one years 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 being bound by contract in writing to a practising Solicitor in Ontario to serve him has served him as his clerk for three years and who before being so bound has actually taken and had conferred upon him the degree of Bachelor of Arts, Bachelor of Civil Law, or Bachelor of Law, in any of the Universities of the United Kingdom, or any of His Majesty's Dominions or Colonies, or in any University or College in any of the

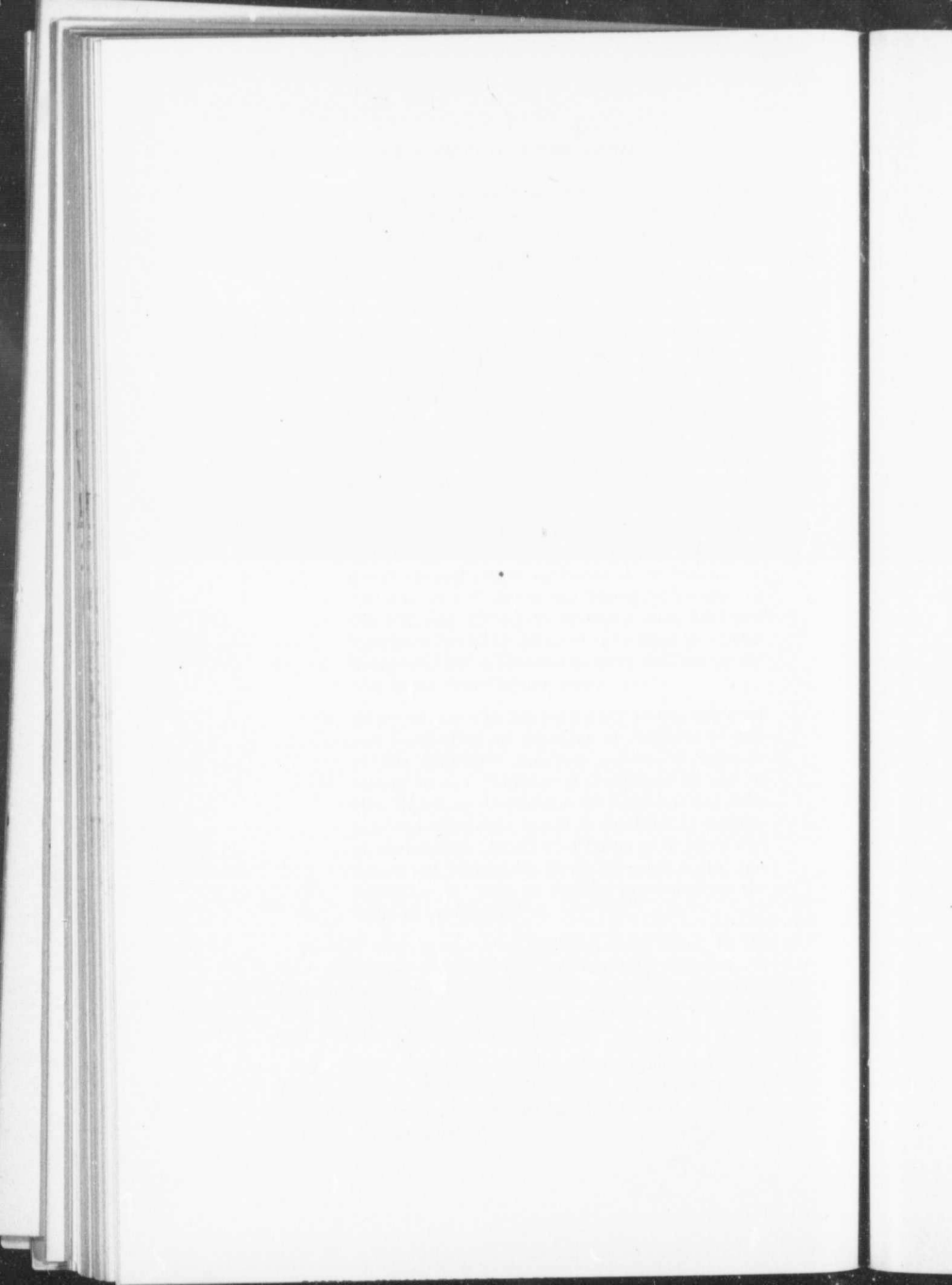
Provinces of Canada having power to grant degrees, or was a graduate of the Royal Military College of Canada or of the Faculty of Applied Science in the University of Toronto or in Practical Science of Queen's University of Kingston;

- (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 contract in writing 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 has been thereafter bound by contract in writing 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 an Attorney or 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 contract in writing 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.

7.—(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.

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(3) Where previous to the time of filing his application for certificate of 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.

(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 first day of the Term in 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 an articled clerk in ordinary cases of being admitted as a Solicitor.

8. The Society may in its discretion grant a certificate of fitness to any person who was called to the Bar of Ontario before the 1st day of January, 1891, on his passing the usual examination prescribed for admission to practice as a Solicitor, and paying the usual fees.

9. A person who has been called to the Bar of Ontario under the provisions of clause (d) of section 3 of *The Barristers Act* shall be entitled to be admitted and enrolled as a Solicitor on paying the usual fees.

SERVICE OF ARTICLED CLERKS.

10. Subject to the rules of the Society under *The Law Society Act*, the following enactments are made with reference to the service of articled clerks:—

- (a) The contract of service of an articled clerk 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 Society in its discretion for special reasons in any particular case shall otherwise order;
- (c) A Solicitor may have under contract in writing four clerks at one time, and no more; and no Solicitor shall have any clerk 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 article 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 clerk, 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 clerk has been so bound, dies before the expiration of the term for which the clerk became bound, or if he discontinues practice as a Solicitor, or if the contract is by the consent of the parties cancelled, or if the clerk is legally discharged before the expiration of the term by an order of the Court, the clerk may be bound by another contract in writing, to serve as clerk to any other practising Solicitor during the residue of 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.



CONDITIONS OF ADMISSION AS SOLICITORS.

11.—(1) Subject to the rules of the Society no articled clerk 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 approved by the Visitors of 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 an articled clerk, as part of his term of service, any time during which such clerk may have been employed in the Militia Service when the Militia are called out for actual service.

ADMISSION AND ENROLMENT.

12. Subject to the Rules of the Society:—

- (a) Where the Benchers require that articled clerks shall pass a preliminary examination, the term of service under articles to entitle an articled clerk 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 of either of the classes of persons mentioned in clauses (a) and (b) of section 6 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.

13.—(1) Subject to the Rules of the Society, no candidate for admission being of any of the classes of persons mentioned in clauses (c), (d) and (e) of section 6 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 before the first day of such Term, 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 satisfac-

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tion 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 first day of the Term during which the application is made.

14. 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 41 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.

15.—(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 High Court Division, 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.”

FEES.

16. 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, admission, oath and certificate 5.50

ANNUAL CERTIFICATES.

17. 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.

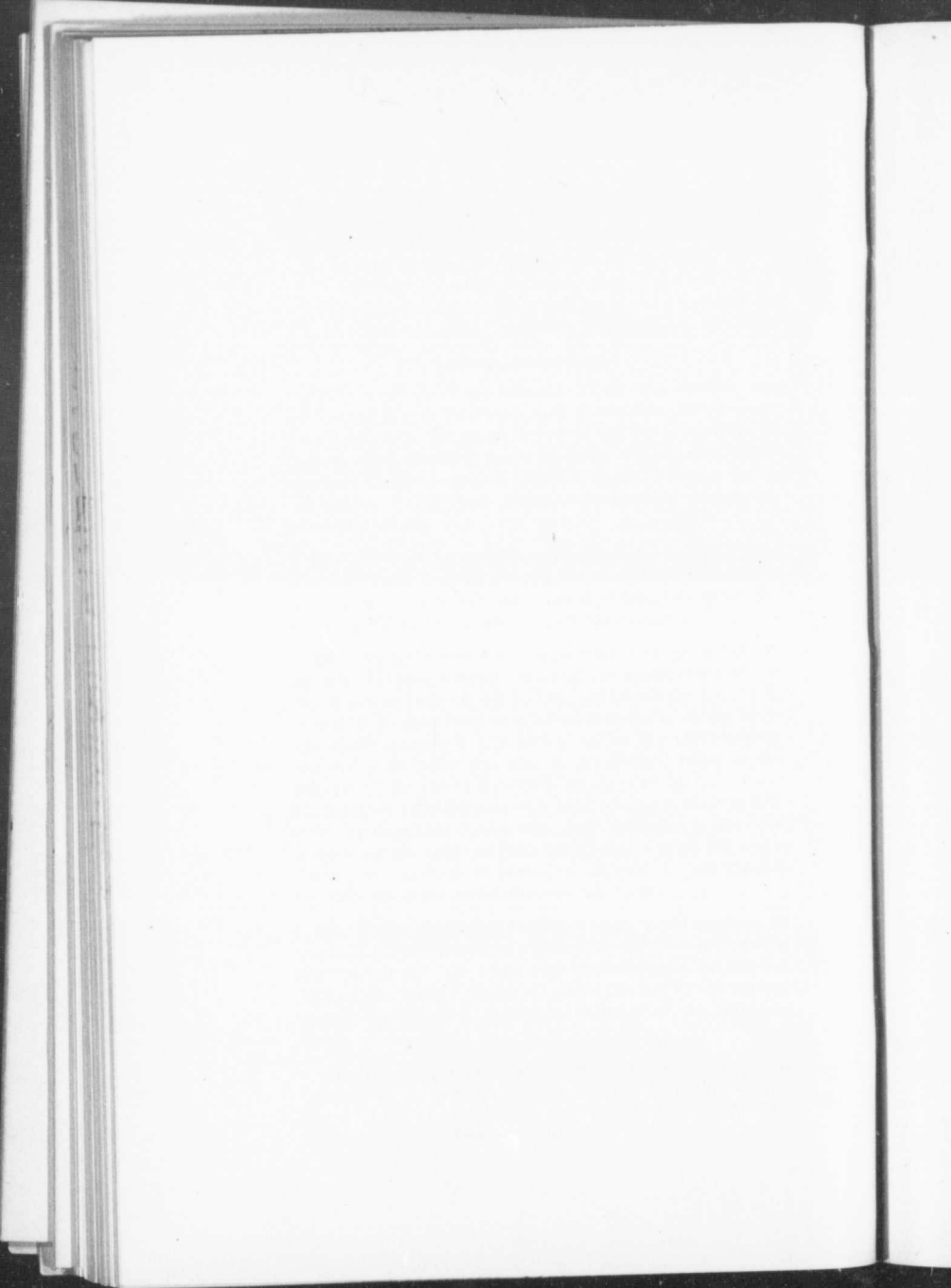
18. The Secretary shall enter all such certified copies in a book to be kept in his office for that purpose, affixing to each name a number following in consecutive order the numbers affixed to the names previously entered.

19. 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, put up in his office and also in the Central Office 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.

20. 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 Michaelmas Term a certificate under the seal of the Society stating that he is a practising Solicitor of the Supreme Court.

21. 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.

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22. A Solicitor admitted in or after Michaelmas Term shall not be required to take out his annual certificate before Michaelmas Term next following his admission.

23. 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.

24. 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 either division thereof 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.

25. 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.

26. 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 a 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 thirty-first day of December next preceding, and shall, on or before the first 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.

27.—(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.

28.—(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.

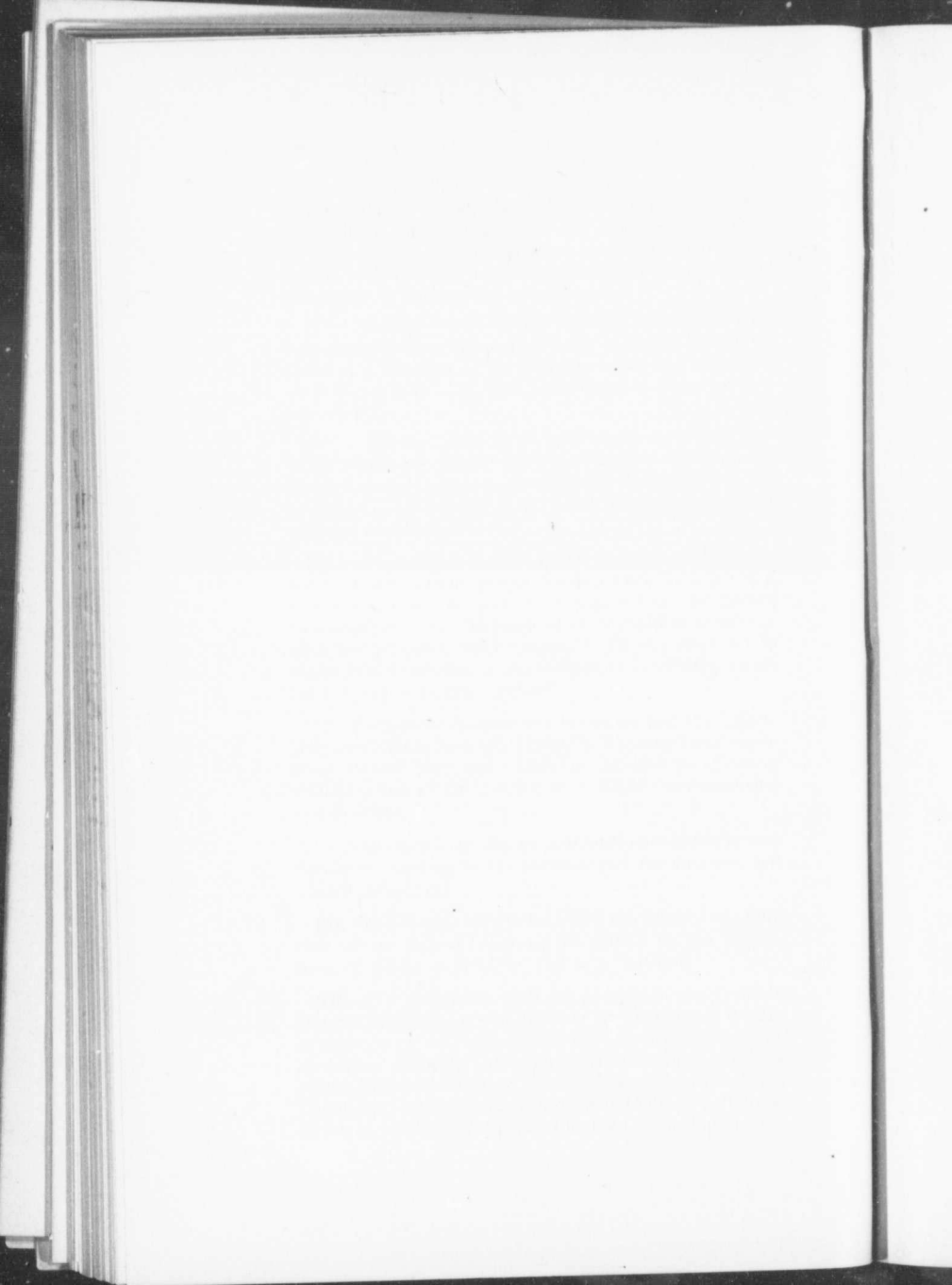
(2) If complaint is made in a summary way of a contravention of this section a Judge of the Supreme Court, upon proof thereof, may order that the Solicitor so offending shall be struck off the Roll and disqualified from practising as a Solicitor.

(3) The Court may also commit such unqualified person having so practised to the common gaol for any term not exceeding one year.

29. 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.

30.—(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 either Division thereof or of a County or District Court, a Surrogate Court or a Division Court, to which he is appointed by the Crown: but nothing

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FROM 1830 TO 1860
BY MRS. J. W. B. WOOD



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 an Official Arbitrator.

(2) Every person who contravenes the provisions of this section shall incur a penalty of \$2,000.

31. A Solicitor shall not practise in any Court in Ontario while he 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.

[For punishment for tampering with Jurors, see *The Jurors Act, R.S.O. c. 64.*]

STRIKING A SOLICITOR OFF THE ROLL FOR DEFECT IN ARTICLES.

32. 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.

PROCEEDINGS IF STRUCK OFF THE ROLL.

33. Where a Solicitor is struck off the Roll, one of the Registrars of the High Court Division 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.

SOLICITOR'S COSTS.

34.—(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 partner-

ship, 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 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 shew that the bill so delivered, sent or left, was not such a bill as constituted a compliance with this Act.

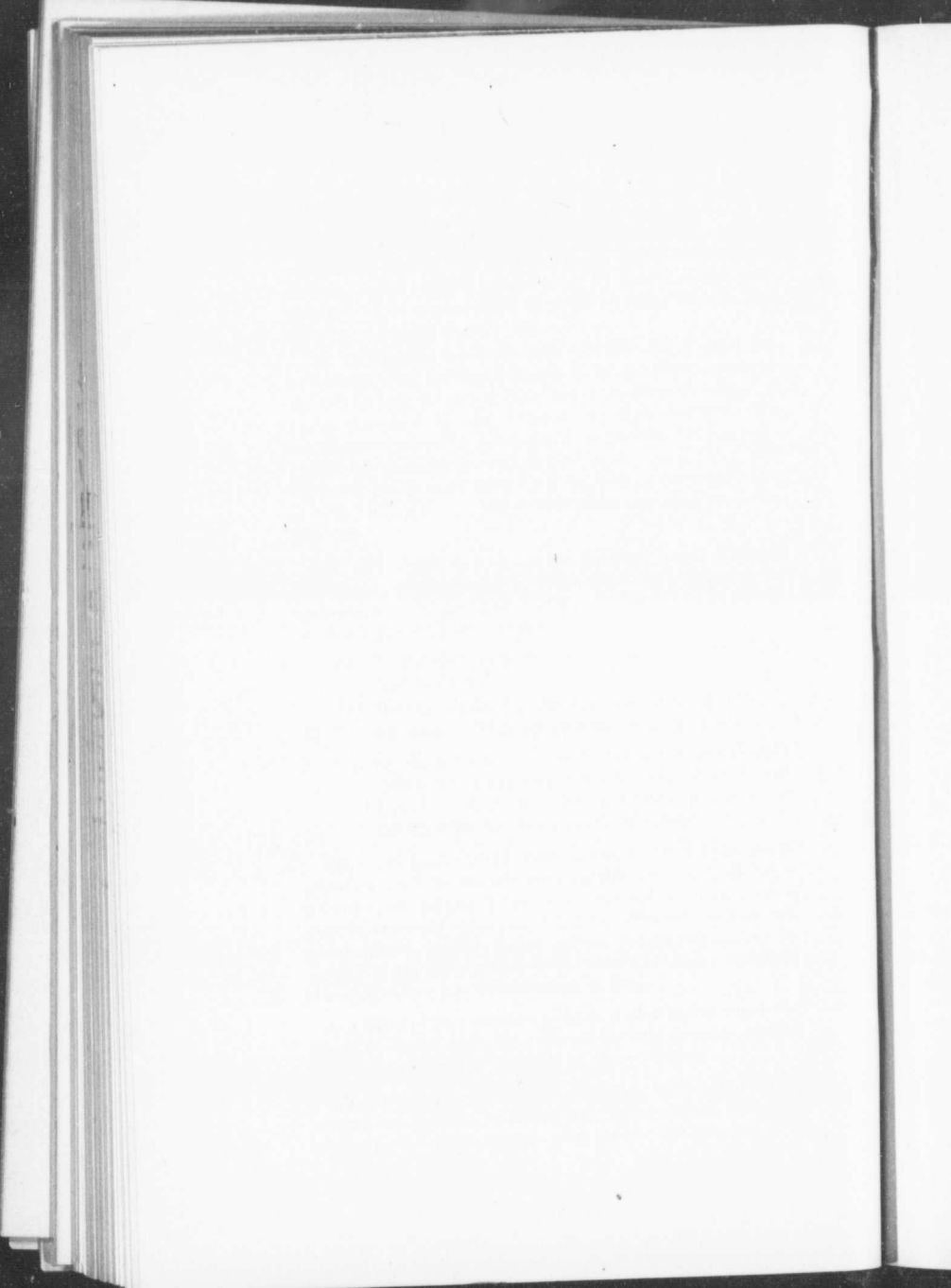
35. Where the retainer of the Solicitor is not disputed and there are no special circumstances, an order may be obtained on *praecipe* from the proper officer in the county in which the Solicitor resides:

- (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.

36.—(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.

37. 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*.



38.—(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;
- (f) The order shall be read as if it contained the above particulars, and shall not set forth the same, but may contain any variation therefrom and any other directions which the Court or Judge shall see fit to make.

(2) An order for reference of a Solicitor's bill for taxation shall be presumed to contain the clauses (a) to (e) of subsection 1, whether obtained on *praecipe* or otherwise, and by the Solicitor, client or other person liable to pay the bill.

(3) The reference for taxation shall, unless otherwise ordered, be to the proper taxing officer for the county in which the Solicitor resides.

39. 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 a bill.

40.—(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 or a Judge 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 or Judge to whom the application is made may take into consideration any additional special circumstances applicable to the person making it, although such circumstances might not be applicable to the party chargeable with the bill, if he was the party making the application.

(3) For the purpose of such reference the Court or Judge may order the Solicitor, his assignee or representative, to deliver to the party making the application a copy of the bill upon payment of the costs of the copy.

(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 or a Judge 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 38, so far as they are applicable, shall apply to such taxation.

41. No bill previously taxed shall be again referred, unless under the special circumstances of the case the Court or Judge to whom the application is made thinks fit to direct a re-taxation thereof.

42. The payment of any bill shall not preclude the Court or Judge to whom the application is made from referring it for taxation upon such terms and subject to such directions as to the Court or Judge may seem just, if the application is made within twelve months after payment, and if the special circumstances of the case in the opinion of the Court or Judge appear to require the taxation.

43. 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.

44. 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.

45. 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 may be enforced according to the practice of the Court in which the reference was made.

JUDGES MAY MAKE RULES.

46. The Judges of the Supreme Court may, from time to time in accordance with the provisions of *The Judicature Act*, make General Rules or Regulations other than rules relating to the admission and enrolment of Solicitors, for carrying out the provisions of this Act.

47. 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.

AGREEMENTS BETWEEN SOLICITORS AND CLIENTS.

48. In this section and sections 49 to 66:—

- (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.

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49.—(1) Subject to the provisions of sections 50 to 66, 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 47 relates, whether or not any general rule under section 46 is in operation.

50. 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 re-examined by the Solicitor until the agreement has been examined and allowed by a taxing officer of a Court having power to enforce the agreement.

51. Where it appears to the taxing officer that the agreement is not fair and reasonable, he may require the opinion of a Court or a Judge to be taken thereon.

52. The Court or Judge 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.

53. 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.

54. Such an agreement shall exclude any further claim of the Solicitor beyond the terms of the agreement in re-

spect 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.

55. 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.

56. 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 not done in any Court by the Supreme Court or a Judge thereof.

57. Upon any such application if it shall appear to the Court or Judge that the agreement is in all respects fair and reasonable between the parties, it may be enforced by such Court or Judge by order in such manner and subject to such conditions as to the costs of the application as such Court or Judge may think fit, but if the terms of the agreement shall not be deemed by the Court or Judge to be fair and reasonable, the agreement may be declared void, and the Court or Judge may order it to be delivered up 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.

58. 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 or a Judge thereof 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 or Judge 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 or Judge may seem just.

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59. 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 or a Judge to be made thereon.

60. 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 or a Judge 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 or Judge to refund the amount received by him.

61. Nothing in sections 49 to 66 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. Except as otherwise provided in sections 49 to 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.

SOLICITORS AS MORTGAGEES, TRUSTEES, ETC.

67. In sections 68 to 70 the expression "mortgage" includes any charge on any property for securing money or money's worth.

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U.S.A.



68.—(1) 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, deducting 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.

(2) This section applies only to mortgages made after the 15th day of April, 1912.

69.—(1) 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.

(2) This section applies to mortgages made and business transacted and acts done either before or after the commencement of this Act.

70. 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.

RIGHT TO TAX COSTS OF SALARIED SOLICITOR.

71. 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.

SOLICITORS AS OFFICERS OF COURT.

72. Nothing in this Act shall interfere with the jurisdiction over Solicitors as officers of Court.

THE UNIVERSITY OF CHICAGO
LIBRARY



INDEX TO RULES AND STATUTES.

ACCOUNTS—See AUDITOR, BOOKS OF ACCOUNT, EXPENDITURES,	
FINANCES, RECEIPTS.	
audit of, to be made monthly.....	11
yearly.....	84
auditor of, to be appointed annually.....	11
books of, to be kept.....	10, 11
ADMISSION OF SOLICITORS—See CALL TO THE BAR, CERTIFICATE OF	
FITNESS, SOLICITORS, SPECIAL CASES.	
age to be attained before.....	34, 91
articles, service under, for.....	91, 95
in special cases.....	39, 92
British barristers and solicitors.....	39, 92
certificate of, to be signed by Registrar of High Court.....	97
fees for.....	98
Colonial barristers and solicitors.....	39, 92
conditions of.....	34, 35, 95
examination for, Benchers may make rules for.....	81
in special cases.....	40
fees for.....	43
Ontario barristers of five and ten years' standing.....	92
papers to be filed on.....	36, 37, 95
petition.....	36, 59
affidavit of service under articles.....	37, 53
certificate of service under articles.....	37, 54, 95
articles and assignments.....	95
when to be filed.....	37, 95
Provincial barristers and solicitors.....	39, 92
Quebec barristers, of.....	39, 93
service under articles for.....	91, 95
special cases.....	39, 40, 92
special cases, in.....	39, 92, 93
service under articles in.....	39, 40, 92
examination for.....	40
ADMISSION OF STUDENTS—See ARTICLES, SERVICE, STUDENTS.	
age, limit of, for, 16 years.....	25
Canadian Universities, matriculation requirements of, to be approved by Convocation.....	26
applications for.....	27
when reported to Convocation.....	27
list of, to be posted.....	28
articles, form of.....	47
service under.....	91, 95
certificate of matriculation for.....	26
graduation for.....	25, 26
of, form of.....	28, 47

ADMISSION OF STUDENTS—*Continued.*

conditions of	25, 26, 27
applicant must be 16 years of age.....	25
file petition	27, 45
presentation	27, 45
articles	93, 98
certificate of matriculation or of graduation	25, 26, 27
pay fees, \$51.....	27, 43
date of, to count from 1st day of the month.....	28
examination for, special may be prescribed for.....	26
fees for.....	43
when payable.....	27
forms for.....	27, 45, 46, 47
graduates, admission of.....	25, 26
service under articles of, three years.....	91, 95
Legal Education Committee have superintendance of.....	25
list of applicants for, to be made	28
posted.....	28
what to contain.....	28
matriculants, admission of.....	25, 26
service of, five years.....	91, 95
matriculation, certificate of, for.....	26
requirements to be approved by Con- vocation.....	26, 27
petition for, form of.....	45
presentation for, form of.....	27, 45
rules for, Benchers may make and dispense with.....	81, 82
service under articles.....	91, 95
Universities, Canadian, matriculants of.....	26
matriculation requirements of, to be approved by Convocation... ..	26
who may be admitted:	
Three Years' Course.	
Graduates of any University in British Dominions in Arts or Law.....	25
of Toronto, Queen's or McGill Universities in Applied Science.....	25
of Royal Military College, Kingston.....	26
Five Years' Course.	
Matriculants of any University in Canada.....	26
certified by the Department of Educa- tion.....	26
of Royal Military College, Kingston... ..	27
persons who pass special examination prescribed by Legal Education Committee.....	26
Students enrolled in any University in Canada.....	26
undergraduates of any University in Canada.....	26
women may be admitted on same terms as men.....	41



- ADVOCATES—*See* BARRISTERS, CALL TO THE BAR, SPECIAL CASES.
 British, Call to the Bar of 38, 86, 87
 Colonial, Call to the Bar of 38, 86, 87
 provincial, Call to the Bar of 38, 87
 Quebec, Call to the Bar of 38, 87
- AFFIDAVIT—*See* DECLARATION.
 of execution of, form of 49, 51, 93
 of service of, under Articles 53
 to be approved by Visitors 95
- AGE—
 to be attained before admission as a student 25
 solicitor 34, 91
 for Call to the Bar 34, 86
- AGREEMENTS—
 between solicitor and client as to fees, what may be made. 106, 110
- AID—*See* COUNTY LIBRARIES, GRANTS.
 County Libraries, to 17, 18
 refusal of, when made 18
- ALPHABETICAL LIST—*See* LIST.
- ANNUAL CERTIFICATES—*See* ANNUAL FEES, CERTIFICATES, SOLICITORS.
 fees, for 42
 fines for failure to obtain 99
 not to be issued till fees and arrears paid 98
 penalty for practising without obtaining 99
 solicitors admitted in or after Michaelmas Term not re-
 quired to take out, till the next Michaelmas Term 99
 solicitors must obtain from Secretary 98
 when to be obtained 98
- ANNUAL FEES—*See* ANNUAL CERTIFICATES, FEES.
 of barristers 42
 solicitors 42
 fines for delay in paying 99
 students attending Law School 43
 members of County Law Associations, amount of 15
 record of unpaid, to be kept 43
- ANNUAL STATEMENT—*See* COUNTY LAW ASSOCIATIONS, FINANCES.
 of Law Associations 16, 17
 receipts and expenditures of the Society 11
 to be audited monthly 11
 yearly 84
 printed and distributed 11, 84
- ANSWERS—
 candidates for Call to the Bar, to be made by 35, 52, 53
- APPAREL—*See* DRESS, GOWNS.
 Barristers, of, on Call to the Bar 36
 Benchers, of, appearing in Convocation 3
 women, of, on Call to the Bar 42

APPLICATIONS— <i>See</i> ADMISSION OF STUDENTS, CALL TO THE BAR,	
PETITIONS.	
admission to the Society, for.....	27
list of, to be made.....	28
posted.....	28
what to contain.....	28
APPOINTMENT— <i>See</i> ELECTION, OFFICERS.	
of chairman of convocation.....	6
demonstrators.....	7
editor of reports.....	7
examiners.....	7
King's Counsel.....	88
lecturers.....	7
librarians.....	7
notice of appointment of salaried officer to be given to Benchers.....	8
Officers.....	7
principal.....	7
salaried officer, of, notice to be given to Benchers.....	8
secretary.....	7
treasurer.....	6
ARCHIVES— <i>See</i> ROLLS.	
to be kept by the Secretary.....	2
ARTICLES— <i>See</i> ASSIGNMENT, SERVICE, STUDENTS.	
affidavit of execution, to state date of execution.....	93
form of.....	49
service under.....	35, 95
form of.....	37, 53
assignment, form of.....	50
filing.....	93
Central Office, articles and assignments to be filed in.....	93
certificate of service under.....	37, 54
form of.....	37, 54
death of solicitor, in case of, new articles to be entered into.....	94
discharge of.....	94
fees for filing.....	98
filing, to be made in Central Office.....	93
within three months from execution.....	93
fees for.....	98
form of.....	47
production may be dispensed with.....	95
service under.....	28, 40, 93, 95
affidavit of.....	36, 53, 95
certificate of.....	35, 37, 54
ARTICLED CLERKS— <i>See</i> ADMISSION OF STUDENTS, ARTICLES, STUDENTS-AT-LAW.	
admission.....	25
forms for.....	45, 46, 47
articles to be filed within three months of date.....	93, 94
form of.....	47

7
7
7
8
7
7

8
7
7
8
7
6

2

93
49
95
53
50
93
93
54
94
94
93
93
98
47
95
3, 95
3, 95
17, 54

25
46, 47
93, 94
47

1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
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1876
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1878
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1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900



ARTICLED CLERKS—*Continued.*

complaints against may be investigated	22, 23, 82
form of Articles for	47
in case of death of Solicitor, may enter into new Articles	94
limit of number of, for any one solicitor	94
not to hold office of emolument	28
number of, limited to four, for any one solicitor	94
service of	28, 40, 95
solicitor may not have more than four	94
time of, spent in military service	96
time of service of, dates from admission to the Society	96

ASSIGNMENT OF ARTICLES—

affidavit of execution of, to state date of execution	93
fees for filing of	98
filing of, in Central Office	93
to be made within 3 months after execution	93
form of	50

ASSISTANT LIBRARIANS—*See OFFICERS.*

appointment of	7
----------------------	---

ATTORNEY-GENERAL OF ONTARIO.—

Bencher <i>ex officio</i>	74
---------------------------------	----

ATTACHMENT—*See PENALTIES.*

witness liable to, for non-attendance	80
---	----

ATTORNEYS—*See SOLICITORS, SPECIAL CASES.*

persons admitted as, prior to 22nd August, 1881, privileges of	91
--	----

AUDITOR—

to be appointed annually	11
to make monthly audit	11
yearly audit	84
to report on finances	84

BALLOT—*See ELECTIONS, VOTING.*

form of voting paper at elections of Benchers	84
voting by, to appoint a Bencher	4
to appoint an officer	4
at election of Benchers	76

BANK—

cheques on, by whom to be signed	11
moneys to be deposited in	11
to be authorized by Finance Committee	11

BAR—*See BARRISTERS, CALL TO THE BAR.*BARRISTERS—*See CALL TO THE BAR, DISBARMENT, DISCIPLINE,**PENALTIES, SPECIAL CASES.*

Act respecting	86
age to be attained before call to the bar	34, 86
apparel of, on call to the bar	36
British, call to the bar of	38, 86, 87
Call of, conditions of	34, 86
call of, in special cases (<i>See Special Cases</i>)	38, 86, 87

BARRISTERS—*Continued.*

Colonial, call to the bar of.....	38, 86, 87
complaints against (<i>See Discipline</i>).....	22, 82
diploma of.....	36
disbarment of, consequences of (<i>See Disbarment</i>).....	24, 82
for misconduct.....	23, 82
vote required for.....	23
discipline of (<i>See Discipline</i>).....	23, 82
entitled to reports on payment of fee.....	20
fees of, annual.....	42
on call to the bar.....	43
forfeit rights and privileges on disbarment or suspension.....	82
misconduct of.....	22, 82
oath of, on call to the bar.....	36
of Ontario, admission of, as solicitors.....	92
Quebec, admission of, as solicitors.....	93
practising five years, entitled to certificate of fitness.....	92
precedence of.....	89
provincial, call to the bar of Ontario, of.....	38, 87
roll of, to be kept in two parts paper and parchment.....	2
custody of.....	2
suspension of, consequences of.....	24, 82
for misconduct.....	82
who may be called as.....	86, 87

BARRISTERS ACT—

text of.....	86
--------------	----

BARRISTERS' ROLL—*See COMMON ROLL, ROLLS, SOLICITORS' ROLL.*

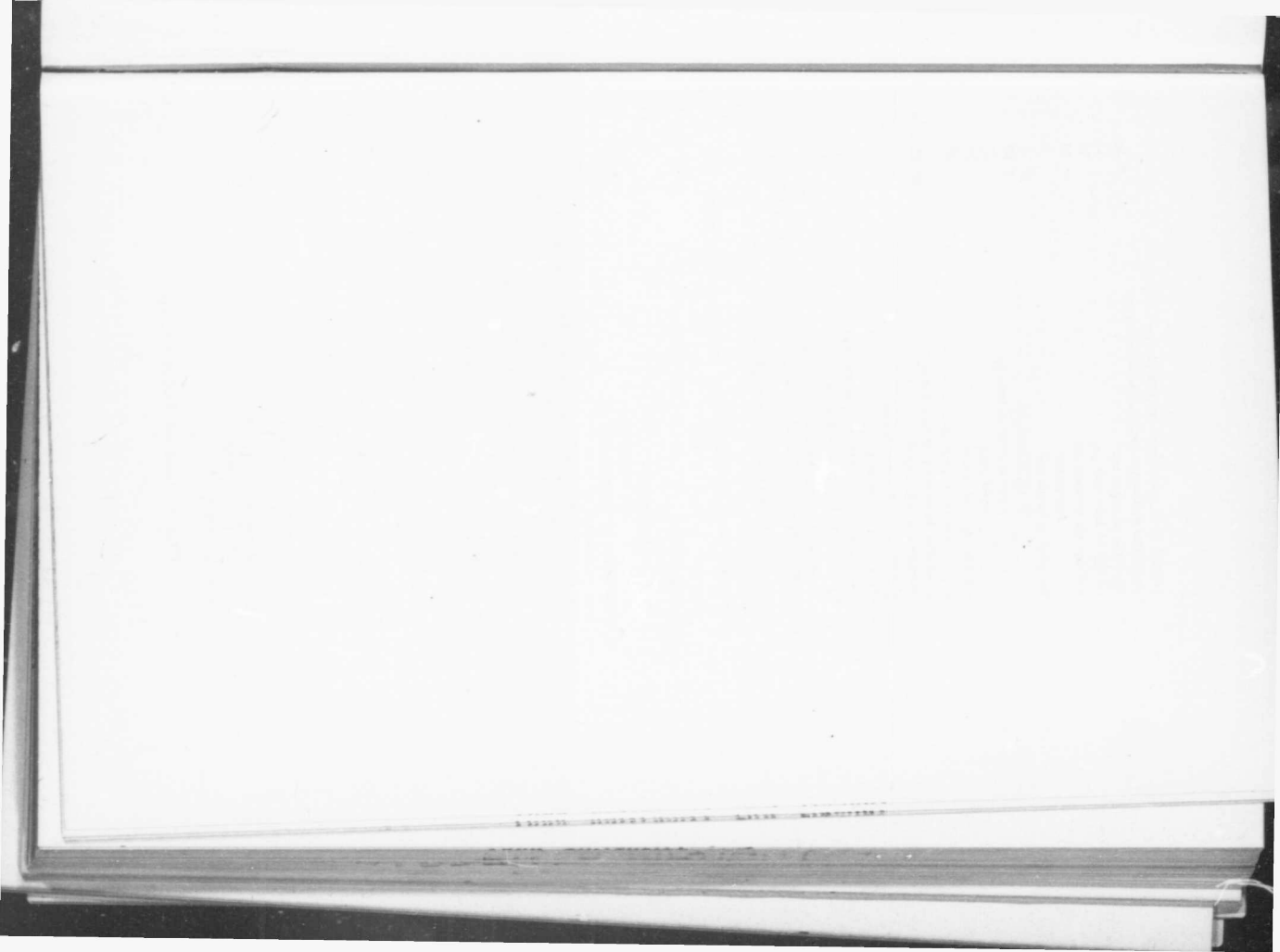
custody of.....	2
to be kept in two parts, paper and parchment.....	2

BENCHERS—*See CONVOCATION, ELECTION OF BENCHERS, LAW SOCIETY, MEETINGS OF CONVOCATION.*

admission to practice, powers of, to grant.....	81
apparel of, at meetings of Convocation.....	3
call to the bar, powers of, to.....	81
default of, in payment of fees.....	79
chairman of, election of.....	6
discipline, powers of, in matters of.....	23, 82
disbursements of, to be paid.....	3
election of, quinquennial.....	74
when held.....	75
who entitled to vote at.....	75
to fill a vacancy.....	4, 80
election of treasurer.....	6, 74
chairman.....	6
eligible for re-election.....	75
<i>ex officio</i> , who may be.....	74
equality of votes for.....	77
failing to attend for four consecutive terms.....	4, 78
failing to attend, notice to be given to.....	4

AMERICAN BOOK CONCERN
NEW YORK

4
4.78
77
74
75
6
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75
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86
87
82
82
2
2
87
89
02
03
02
6
2
2
3
1
1



BENCHERS—*Continued.*

failure to elect.....	80
may make rules.....	80, 81
abolish terms.....	80
appoint committee to investigate elections.....	79
appoint officers.....	81
appoint reporters.....	83
call to the bar and admit to practice.....	81
dispense with rules.....	81
dispense with production of usual proofs of service.....	95
discipline members of the Society.....	82
establish law school.....	81
make regulations, respecting county libraries.....	83
Law Benevolent Fund.....	83
publish reports.....	83
nomination of.....	76
not eligible to hold salaried office.....	8
number of.....	74
petitions against election of.....	78
powers of.....	80, 83
qualification of.....	75
rooms of, may be used by County Court Judges.....	6
rules, may dispense with.....	81
terms of office of.....	78
vacancy in office of, how filled.....	4, 80

BENEVOLENT FUND—

Benchers may establish.....	83
-----------------------------	----

BOND—

call to the bar, to be given on.....	35, 56
--------------------------------------	--------

BOOKS—*See* BOOKS OF ACCOUNT, COUNTY LIBRARIES, LIBRARY,
ROLLS, STUDENTS' LIBRARIES.

for use of students.....	16, 19
grant of, to county libraries.....	18
in students' libraries.....	16
of account, to be kept.....	10, 11
of the Society, who to be entered on.....	24, 25
striking names from, for misconduct.....	82
penalties for misuse of.....	14
proper care of.....	14, 18
regulations as to use of.....	13
to be purchased by Library Committee.....	12

BOOKS OF ACCOUNT—*See* ACCOUNTS, EXPENDITURES, FINANCES.

cash book, what to contain.....	10, 11
to be audited monthly.....	11
yearly.....	84
to be kept by secretary.....	10, 11

BRITISH BARRISTERS—*See* CALL TO THE BAR, SPECIAL CASES.

call to the bar of.....	38, 86, 87
-------------------------	------------

BRITISH SOLICITORS— <i>See</i> ADMISSION OF SOLICITORS, SOLICITORS, SPECIAL CASES.	
admission of	39, 92, 93
BRITISH SUBJECTS—	
Students, barristers and solicitors must be	84, 91
BUILDINGS—	
no person to reside in, except officers	10
to be under supervision of secretary and Finance Committee ..	9, 10
BUSINESS— <i>See</i> MEETINGS.	
order of, at meetings of Convocation	4
CALL TO THE BAR— <i>See</i> BARRISTERS, SPECIAL CASES.	
age to be attained before	34
Benchers, powers of, to call to the bar	81
bond to be given on	35
form of	56
candidates for	34
lists of, to be posted	34, 35
what to contain	35
must be 21 years of age	34
report on	34, 37
examination of, admitted under special Act	34
diploma of	36
form of	58
fees for	33, 35, 36, 43
when payable	35
forms for	53, 59
in special cases	61-66
examination for, in special cases— <i>See</i> SPECIAL CASES ..	34, 39, 40
under special Act	34
Benchers may make rules for	81
lists of candidates for, to be posted	34, 35
what to contain	35
may be made on any standing Convocation day	34
notice of, to be given by Bencher	34
form of	55
when to be given	34
of British and Colonial barristers— <i>See</i> SPECIAL CASES ..	38, 86, 87
of Minister of Justice	88
rules for examination of candidates for, Benchers may make ..	81
admission of women, Benchers may make	81
of Solicitor-General	88
papers for, bond	35, 56
notice of call	34, 55
petition	35, 36, 59
presentation	35, 55
when to be filed	34, 35
petition for	35, 36
form of	57, 59
precedence of candidates for	36

4
1
5
6
14
15
15
34
37
34
36
58
43
35
59
-66
40
34
81
35
35
34
34
55
34
34
87
88
81
81
88
5, 56
4, 55
6, 59
5, 55
14, 35
35, 36
57, 59
36

WESTERN
MANUFACTURING
CORPORATION
CHICAGO, ILL.
MADE IN U.S.A.

1888

CALL TO THE BAR— <i>Continued.</i>	
presentation for	35
form of	55
special Act for, examination required for	34
special cases in— <i>See</i> SPECIAL CASES	38, 86
examination required	34, 39, 40
fees for	43
forms for	61-66
proofs required	39
time of, any standing Convocation day	34
CANADIAN UNIVERSITIES— <i>See</i> ADMISSION OF STUDENTS.	
graduates of	25, 26
matriculants of, admission of	26
CANDIDATES— <i>See</i> ADMISSION OF SOLICITORS, ADMISSION OF STUDENTS, CALL TO THE BAR, SOLICITOR, SPECIAL CASES.	
for admission	27, 28
list of	28
ranking of	27
for call to the bar	34
ranking of	36
for certificate of fitness	36
election as Benchers, list of, to be sent to electors with voting paper	76
for honours	37
Secretary's report on	28, 34, 35, 37
CENTRAL OFFICE OF SUPREME COURT OF ONTARIO— <i>See</i> COURT, SUPREME COURT.	
articles and assignments to be filed in	93
fees payable on filing of	98
list of solicitors taking out annual certificates to be posted in	98
CERTIFICATE— <i>See</i> ANNUAL CERTIFICATES, CERTIFICATE OF FITNESS.	
annual	98
fees payable for	43, 98
admission of, as student-at-law	28
form of	46
as solicitor, to be signed by Registrar of High Court Division	97
examination of students entitled to	34
Fitness of application for	36
form of	59
to be filed in Supreme Court	97
qualification for admission	26, 39, 40
service under Articles	35, 37
form of	54
striking off rolls, of order for, to be sent to the secretary— <i>See</i> STRIKING OFF ROLLS	101
CERTIFICATE OF FITNESS— <i>See</i> ADMISSION OF SOLICITORS, ANNUAL CERTIFICATES, SOLICITORS, SPECIAL CASES, STRIKING OFF ROLLS.	
barrister of Ontario when entitled to	92, 93

CERTIFICATE OF FITNESS— <i>Continued.</i>	
depriving solicitor of, for misconduct, vote required for.....	23
fees payable on.....	98
filing of, in the Supreme Court.....	97
form of.....	59
misconduct, for, depriving solicitor of.....	23
petition for.....	36
Quebec barrister, entitled to, on call to the bar of Ontario.....	93
special cases, in— <i>See</i> SPECIAL CASES.....	39, 92
to be endorsed by presiding Judge.....	97
filed in Supreme Court.....	97
given on admission.....	97
CHAIRMAN OF CONVOCATION— <i>See</i> TREASURER.	
powers of.....	7
to be elected in absence of treasurer.....	6
to preside in absence of treasurer.....	7
to sign minutes.....	4
CHANCELLOR VAN KOUGHNET— <i>See</i> SCHOLARSHIPS.	
scholarship, The.....	38
CHARACTER— <i>See</i> CONDUCT.	
testimonials of, when required.....	39, 87
CHEQUES— <i>See</i> FINANCES.	
who authorized to sign.....	11
CHIEF LIBRARIAN— <i>See</i> LIBRARIES, OFFICERS.	
account, to be kept by, of petty expenditures.....	12
appointment of.....	7
assistants, to recommend.....	7
to prescribe duties of.....	7
County libraries, to have management of.....	19
to inspect and report on.....	19
to report on increased grant for.....	17
duties of.....	7, 12, 14, 17, 19
Inspector of County Libraries, to act as.....	19
purchases, to recommend.....	12
regulations, to enforce.....	14
CHRISTOPHER ROBINSON— <i>See</i> SCHOLARSHIPS.	
scholarship, The.....	38
CLIENT— <i>See</i> COSTS, SOLICITORS.	
agreements between solicitor and.....	106, 107
definition of.....	106
COLLEGE— <i>See</i> ADMISSION OF STUDENTS, UNIVERSITIES.	
Royal Military, admission of students of.....	26, 27
COLONIAL BARRISTERS— <i>See</i> CALL TO THE BAR, SPECIAL CASES.	
admission of.....	34, 87, 92
COLONIAL SOLICITORS— <i>See</i> SOLICITORS, SPECIAL CASES.	
admission of.....	92
service of, before admission.....	40, 92

WORLD INFORMATION SERVICE

9
2
4
8
7
6
7
2
2

COMMISSION—See COSTS.	
payment of costs by.....	105, 107
COMMITTEES—See SPECIAL COMMITTEES, STANDING COMMITTEES.	
meetings of, where to be held.....	6
quorum at meetings of.....	6
special, reference to.....	5
standing, election of.....	6
vacancy in, how filled.....	6
COMMON ROLL—See ROLLS.	
to be kept in two parts, the paper roll and the parchment roll.....	2
COMPANY—	
solicitor director, entitled to fees.....	110, 112
COMPLAINTS—See DISCIPLINE, DISCIPLINE COMMITTEE, PENALTIES, STRIKING OFF ROLLS, SUSPENSION.	
against an articled clerk.....	22, 82
a barrister.....	22, 82
solicitor.....	22, 82, 100
student-at-law.....	22, 82
unqualified practitioner.....	25
by a solicitor, secretary to enquire into.....	25
report to Discipline Committee.....	25
to be treated as confidential.....	25
to be laid before Convocation.....	25
Court, to the.....	82, 100
investigation of, by the Benchers.....	82
Court.....	100
Discipline Committee.....	22, 23, 25
Law Society, to the.....	22
penalties for misconduct—See PENALTIES.	
<i>prima facie</i> case to be reported to Convocation.....	23
proceedings on.....	22, 23, 82
report of Committee on.....	23, 82
secretary, to the.....	25
must be left with.....	22
must transmit to Chairman of Discipline Committee.....	22
stand referred to Discipline Committee.....	22
to the Court.....	82, 100
Law Society.....	22
secretary.....	25
writing, must be in.....	22
CONDUCT—See MISCONDUCT, SPECIAL CASES.	
of solicitors and clerks, rules may be made respecting.....	81, 82
testimonials of good conduct to be produced by candidates for call to the bar.....	39, 87
CONTEMPT OF COURT—See DISCIPLINE, PENALTIES.	
penalties for.....	90
solicitor who practises while under suspension or in prison, is guilty of.....	100

CONTEMPT OF COURT—*Continued.*

solicitor who enables unqualified practitioner to practise, is guilty of.....	100
unqualified practitioner is guilty of.....	90

CONTRACT OF SERVICE—*See ARTICLES.*CONTROVERTED ELECTIONS—*See ELECTION OF BENCHERS.*

of Benchers.....	79, 80
------------------	--------

CONVEYANCING—*See COSTS.*

costs of, payable by commission.....	106, 107
--------------------------------------	----------

CONVOCATION—*See BENCHERS, LAW SOCIETY, MEETINGS, TREASURER.*

Canadian Universities, matriculation requirements of, to be approved by.....	26
chairman of, to be appointed in absence of Treasurer.....	6
powers of.....	7
days.....	2, 3
entries in Rolls not to be made without authority of.....	2
may grant leave of absence to Reporters.....	21
disbar Barrister.....	23, 82
expel students.....	82
strike Solicitors off Rolls.....	23, 82
suspend from practice.....	82
meetings of, adjournment of.....	3
apparel of Benchers at.....	3
disbursements of Benchers attending.....	3
hour of.....	3
notice of.....	3
ordinary.....	2
quorum at.....	3, 23
special.....	3
minutes of, to be read and signed.....	4
order of proceedings in.....	4
petitions to, referred to Committees.....	5
proceedings in, to follow parliamentary mode.....	2
proceedings of, to be printed.....	4
quorum at meetings of.....	3, 23
regulations as to County Libraries, may make.....	16
to fill vacancy in Committees.....	6
in office of Treasurer.....	7
Benchers.....	80
Treasurer to preside in.....	6
Universities, Canadian, matriculation requirements of to be approved by.....	26

COSTS—*See FEES, SOLICITORS.*

action for, none to be brought without leave of Court until one month after delivery of bill.....	101, 104
amount certified, when payable.....	103
application for taxation of, how entitled.....	105
commission, payment of costs by.....	106, 107
conveyancing of, payable by commission.....	106, 107

2
4
3
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2023
2024
2025

Costs—Continued.

bill of, when to be delivered, after order for	103
delivery of	102
proof of	102
duty of officer taxing	105
of salaried solicitors, taxation of	112
of solicitors directors	111
mortgagees	110, 111
order for taxation	102
what to contain	103
percentage, payment of costs by	106, 107
reference for taxation of	103
costs of	103
re-taxation of, when ordered	105
taxation of, after payment	105
after judgment for	102
after 12 months	104
where to take place	104

COUNSEL—See KING'S COUNSEL.

COUNTY COURT JUDGES—See JUDGES.

notice to be sent to, of order striking solicitors off rolls	24
privilege of using Benchers' room	6
reports, entitled to	20

COUNTY LAW ASSOCIATIONS—See COUNTY LIBRARIES.

annual fees of members of	15
annual report of	17
delay in sending	18
constitution of	15
dissolution of	16
expenditures of	16
grants in aid of	17
incorporation of, proofs of, to be transmitted to the Law Society	16
loans to	18
amount of	18
how payable	18, 19
security for	18
students' libraries may be established	16
to make annual reports	16, 17

COUNTY LIBRARIES—See COUNTY LAW ASSOCIATIONS, LIBRARIES,
STUDENTS' LIBRARIES

annual report of	17
delay in sending	18
control of, vested in Chief Librarian	19
entitled to law reports	20
establishment of	15
conditions of	15
grant, in aid of	17
annual	17

COUNTY LIBRARIES—*Continued.*

grant, increased	17
initiatory	17
of books to	18, 19
Inspector of, Chief Librarian to act as	19
law reports, entitled to	20
librarians of, aid to	17
loans to	18, 19
rules may be made by Benchers respecting	83
students' libraries may be established in	16

COUNTY LIBRARY COMMITTEE—*See* COUNTY LIBRARIES, STANDING COMMITTEES.

election of	6
powers and duties of	15, 17, 19
students' libraries, may be established	16, 17
to report to Convocation on	17
to consist of 12 members	6
to report to Finance Committee on grants	18
on loans to County Libraries	18

COURT—*See* CONTEMPT OF COURT, STRIKING OFF ROLLS, SUPREME COURT OF CANADA, SUPREME COURT OF ONTARIO.

contempt of, solicitor practising while in prison or under suspension, guilty of	100
unqualified practitioner, guilty of	90
Judges of, entitled to law reports	20
to be notified of order striking off rolls	24
jurisdiction of, to strike solicitors off rolls	82, 100
to suspend solicitors	82, 83, 99

DEATH—

of Benchers, successor to be elected during following term	80
solicitor, to whom student is articled, procedure on	94
treasurer, election of successor on	7

DECLARATIONS—*See* AFFIDAVITS.

forms of, by British or Colonial barristers	70
solicitors	71, 64
Ontario barrister	72
solicitor	64

DEMONSTRATORS—*See* LECTURERS, OFFICERS.

appointment of	7
----------------------	---

DEPARTMENT OF EDUCATION—*See* ADMISSION OF STUDENTS, LEGAL EDUCATION COMMITTEE, MATRICULANTS.

certificate of matriculation of	26
---------------------------------------	----

DEPOSIT—*See* ELECTIONS, FEES.

required for petitions against election of Benchers	79
---	----

DIGEST—*See* REPORTS.

of reports to be prepared by editor	22
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0
1
7
0
4
2
4
7
26
79
22

AMERICAN INDIAN MUSEUM

2

THE UNIVERSITY OF CHICAGO
LIBRARY

DIPLOMA— <i>See</i> CERTIFICATE.	
of barrister	36
form of	58
to contain certificate of award of medal honours and scholarship according to the fact	38
DIRECTOR— <i>See</i> COSTS, SOLICITOR.	
solicitor, entitled to fees	111
DISBARMENT— <i>See</i> COMPLAINTS, DISCIPLINE, EXPULSION, PENALTIES, STRIKING OFF ROLLS, SUSPENSION.	
Benchers may order	82
vote of seven in quorum of ten required for	23
conduct unbecoming a barrister, for	82
consequences of	82
notice to be given of, to Senior Registrar	82
professional misconduct, for	82
resolution of Benchers for	82
vote required for	23
rights and privileges cease on	82
DISBURSEMENTS— <i>See</i> BENCHERS, EXPENDITURES.	
of Benchers attending meetings of Committees and Convocation, to be paid	3
DISCIPLINE— <i>See</i> COMPLAINTS, DISBARMENT, DISCIPLINE COMMITTEE, EXPULSION, PENALTIES, SOLICITORS, STRIKING OFF ROLLS.	
articled clerks, complaints against	22, 82
barristers, complaints against	22, 82
Benchers, powers of, in matters of	23, 82, 83
quorum of, necessary to disbar	23
deprive of certificate	23
resolution of, proceedings on	82, 83
that a solicitor is unworthy to practice	82
complaints against solicitors— <i>See</i> COMPLAINTS	22, 23, 82
disbarment— <i>See</i> DISBARMENT.	
expulsion— <i>See</i> EXPULSION.	
penalties imposed for breach of— <i>See</i> PENALTIES	23, 82
powers of Benchers in matters of	23, 82
Discipline Committee, in matters of	22, 23
visitors, in matters of, vested in Benchers	83
procedure in matters of— <i>See</i> DISCIPLINE COMMITTEE	22, 23, 82
punishment— <i>See</i> PENALTIES.	
resolution of Benchers, to suspend, proceedings on	83
that a solicitor is unworthy to practice, proceedings on	82, 83
rules regarding	22-25
solicitors, complaints against	22, 82
statutory provisions as to	82, 83, 99, 100, 101
striking off rolls— <i>See</i> STRIKING OFF ROLLS.	
students, complaints against	22, 82
suspension— <i>See</i> SUSPENSION.	
resolution of Benchers for, proceedings on	83

DISCIPLINE COMMITTEE—See DISBARMENT, EXPULSION, PENALTIES, SOLICITORS, STANDING COMMITTEES, STRIKING OFF ROLLS, SUSPENSION.	
complaints stand referred to.....	22
complaints against solicitors.....	22
unqualified practitioners.....	25
must be in writing.....	22
by solicitors, how to be dealt with.....	25
to be inquired into by secretary....	25
to be laid before Discipline Com- mittee.....	25
to be treated as confidential.....	25
election of.....	6
investigation of complaints by.....	23
may be ordered by Convocation.....	23
may adjourn investigation.....	23
compel production of documents.....	23
investigate complaints on order of Convocation.....	23
notify parties.....	22
summon witnesses.....	22, 23
powers of.....	22, 23
<i>prima facie</i> case, to be reported to Convocation.....	23
decide on.....	22
report of, to Convocation.....	23
to consist of 14 members.....	6
DISPENSING—See BENCHERS.	
powers of Benchers to dispense with rules.....	81
with production of articles and other papers of students.....	95
rules.....	81
DISQUALIFICATION—	
of Benchers who fail to attend meetings for four consecutive terms.....	78
make default in payment of fees.....	79
solicitors, for practice.....	100
who are Court officers for practice.....	100
DRESS—See APPAREL, GOWNS.	
barristers, of, on call to the bar.....	36
Benchers, of, in Convocation.....	3
women, of, on call to the bar.....	42
EDITOR OF REPORTS—See OFFICERS, REPORTING COMMITTEE, REPORTS.	
appointment of.....	7
duties of.....	7, 20, 21, 22
to prepare triennial digest.....	22
EDUCATION—See ADMISSION OF STUDENTS, DEPARTMENT OF EDUCA- TION, LEGAL EDUCATION COMMITTEE.	
Department of, certificate of matriculation from.....	26



ELECTION—See APPOINTMENT, BENCHERS, ELECTION OF BENCHERS, OFFICERS.	
of Benchers, quinquennial—See ELECTION OF BENCHERS.....	74, 75, 76, 77
to fill a vacancy.....	4, 80
chairman in absence of treasurer.....	6
officers of the Law Society—See OFFICERS.....	7
treasurer.....	6, 74, 80
ELECTION CASES—See REPORTS.	
to be included in Law Reports.....	21
ELECTION OF BENCHERS—See BENCHERS, CONVOCATION, LAW SOCIETY, VOTING.	
appointment of scrutineers for.....	74
candidates at, list of, to be sent to electors.....	76
equality of votes, provision for.....	77
nomination paper for, to be in writing.....	76
to be delivered to secretary, before the 15th of March.....	76
to be signed by ten electors.....	76
nomination, notice of, to be sent to candidate.....	76
notice of nomination for, to be sent to candidate.....	79
refusal of nomination for, to be sent to the secretary within four days.....	76
number of Benchers to be elected—thirty.....	77
petitions against, deposit to be made.....	79
hearing of.....	79, 80
poll for, when necessary.....	76
result of, to be published in <i>Ontario Gazette</i>	78
scrutineers, appointment of.....	74
thirty Benchers to be elected.....	77
vacancy, in case of.....	4, 80
voting paper for, to be sent to electors.....	76
when held.....	75, 76, 77
who entitled to vote at.....	75
ENGLISH BARRISTERS—See SPECIAL CASES.	
admission of, as Solicitors.....	92
call to the bar of.....	34, 38, 86, 87
service of, before admission.....	92
ENGLISH SOLICITORS—See SPECIAL CASES.	
admission of, as Solicitors of the Supreme Court of Ontario.....	39, 92
service of, before admission.....	39, 92
ENROLMENT—See ADMISSION OF SOLICITORS, SOLICITORS.	
of solicitors, conditions of.....	91, 92
ENTRIES—See BOOKS, BOOKS OF ACCOUNT, ROLLS.	
in books of account—See BOOKS OF ACCOUNT.	
on books of the Society—See BOOKS.	
on rolls—See ROLLS.	
ESTIMATES—See FINANCES.	
of receipts and expenditures to be made by Standing Com- mittees.....	10

EXAMINATIONS— <i>See</i> SPECIAL CASES, SUPPLEMENTAL EXAMINATIONS.	
admission of solicitors in special cases, for	40
students	26
when to be passed	26, 27
call to the Bar in special cases, for	34, 39
certificate of	34
failure at, consequences of	33
fees for	33, 35, 36, 43
honours awarded at	37
intermediate, when to be held	32
Law School course, in the	32
percentage of marks for honours	37
to pass	32
petitions for special relief as to stand referred to Legal Education Committee	5
results of, to be reported to Convocation	34
rules for conduct of, may be made by Benchers	81
scholarships awarded at	38
Special Act, under	34
special cases, in— <i>See</i> SPECIAL CASES	34, 39, 40
special relief as to, petitions for stand referred to Legal Education Committee	5
supplemental, notice to be given for	33
time for, to be fixed by Principal	32
when to be held	32
who may write at	33
time for holding, ordinary	32
supplemental	32
under special Acts of the Legislature	34
when to be held, ordinary	32
supplemental	32
EXAMINERS— <i>See</i> OFFICERS.	
appointment of	7
duties of	29
not to hold office for more than four years	8
not eligible for re-appointment	8
senior examiner to be named by Convocation	8
EX OFFICIO— <i>See</i> BENCHERS.	
persons who are Benchers	74
EXPENDITURES— <i>See</i> ACCOUNTS, FINANCES, RECEIPTS AND EXPENDITURES.	
amount which requires special vote	10
books for library, for	12
cheques for, who to sign	11
estimates of, to be furnished by Standing Committees	10
statement of	11, 84
under control of Finance Committee	10
vote of two-thirds of Benchers present, when necessary for	10

10
12
11
10
84
10
10

74
7
29
8
8
8

32
22
14
22
22
33
22
22
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33
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THE UNIVERSITY OF CHICAGO PRESS

EXPULSION—See COMPLAINTS, DISCIPLINE, MISCONDUCT, PENALTIES, STRIKING OFF ROLLS.	
articled clerk, of, for misconduct	82
Benchers may order	82
conduct unbecoming a student-at-law, for	82
misconduct for	82
proceedings by impeachment for	24
student-at-law, for misconduct	82
FEES—See ANNUAL FEES, COSTS, FINES.	
annual, of solicitors and barristers	42
cannot be recovered by a Solicitor under suspension	100
finer for delay in payment of annual	99
for admission to the Society	43
attending lectures at Law School	43
Call to the Bar	35, 36, 43
certificates	43, 98
copies of judgments	22
examinations	33, 35, 36
filing articles and assignments	98
of Ontario solicitors on Call to the Bar	88
payable in stamps on Certificate of Fitness	98
special cases, in	43
return of, to the candidate	44
special relief respecting, petitions as to stand referred to Finance Committee	5
stamps, when payable in	98
to be paid into general funds	84
when returnable to payee	43
FIAT—See ORDER.	
fees for	98
of Judge on admission of solicitors	97
FILING—See ADMISSION, STUDENTS.	
of Articles and assignments	93
fees for	98
of notice of call, time for	34
of papers for admission as solicitor, time for	37, 95
call to the bar, time for	35
FINANCES—See AUDITOR, EXPENDITURES, RECEIPTS.	
annual statement of	11, 84
County Law Associations	16
cheques, who to sign	11
estimates of receipts and expenditures to be made by Standing Committees	10
fees to be paid into general funds	84
investments under control of Finance Committee	10
moneys to be deposited in bank	11
statement of receipts and expenditures to be made monthly	11
yearly	84
under control of Finance Committee	10

FINANCE COMMITTEE—See EXPENDITURE, FINANCES, RECEIPTS,
STANDING COMMITTEES.

consist of 14 members.....	6
election of.....	6
library, heating and lighting of, to arrange for.....	12
petitions for special relief as to fees stand, referred to.....	5
power and duties of.....	10

FINES—See ANNUAL FEES, PENALTIES.

for delay in taking out annual certificates.....	99
practising without certificate.....	99
when prohibited by statute.....	101
qualification.....	90

FORMS—See PROCEEDINGS.

affidavit of execution.....	49, 52
affidavit of service under articles.....	53
are part of rules.....	1
articles of clerkship.....	47
assignment of articles.....	50
bond of barrister.....	56
certificate of admission.....	47
certificate of fitness.....	59
certificate of service under articles.....	54
declaration of admission as solicitor.....	64, 71
call to the bar, by British or Colonial barrister.....	64, 70, 72
diploma of barrister.....	58
notice of call.....	55, 56
intention.....	61, 66
oath of barrister.....	61
solicitor.....	97
petition for admission.....	46
special.....	67, 68
petition for call.....	57
and admission as solicitor.....	59
special cases.....	62, 63
presentation for admission.....	45
call.....	55
special.....	65
questions to be answered.....	52, 53
rules, are part of.....	1
summons for special meeting.....	45
testimonials of character and conduct.....	69
voting paper.....	84

GAZETTE—See ONTARIO GAZETTE.

GOWNS—See APPAREL, DRESS.

to be worn by barrister on call to the bar.....	36
Benchers in May and September meetings.....	3
women on call to the bar.....	42

RECEIVED BY THE DIRECTOR GENERAL

GRADUATES OF UNIVERSITIES— <i>See</i> ADMISSION OF STUDENTS.	
admission of	25, 26, 86, 91
classing of	27
must be three years on the books before being called to the bar	34, 86
GRANTS—	
county libraries, loans to	18
refusal of, to	18
to	17, 18
GROUNDS OF OSGOODE HALL—	
to be under supervision of secretary and Finance Committee ..	9, 10
HEADNOTES— <i>See</i> REPORTS.	
to be made of reported cases	21
to show succinctly points decided	21
HEATING—	
of library	12
HOLIDAYS— <i>See</i> MEETINGS OF CONVOCATION.	
library closed on	12
meeting of Convocation falling on, to be held next day	2
HONOUR— <i>See</i> DISCIPLINE HONOURS.	
of the bar, rules may be made relating to	82
HONOURS— <i>See</i> EXAMINATIONS, SCHOLARSHIPS.	
award of, to be stated in diploma	38
percentage of marks required for	37
to whom when awarded	37
IMPEACHMENT— <i>See</i> PENALTIES, PROCEEDINGS, STRIKING OFF ROLLS, SUSPENSION.	
proceedings by, not to be precluded by suspension	24
IMPRISONMENT— <i>See</i> CONTEMPT OF COURT, PENALTIES.	
solicitors undergoing, debarred from practice	100
unqualified practitioner liable to	100
INDEX—	
minutes of Convocation, of, to be kept by Secretary	4.
paper roll of barristers, of, to be kept by Secretary	2
students, of, to be kept by Secretary	2
INSPECTOR— <i>See</i> CHIEF LIBRARIAN, COUNTY LIBRARIES.	
County Libraries, of, Chief Librarian to act as	19
duties of	19
payment of	19
INSTRUMENT— <i>See</i> FORMS, SEAL, SECRETARY.	
every, to which seal is affixed to be countersigned by Secretary	2
INTEREST—	
may be charged by solicitor on bill of costs	109
INTERMEDIATE EXAMINATIONS— <i>See</i> EXAMINATIONS.	
scholarships given at, to first seven candidates who are passed with honours	38
when to be held	32

INTERPRETATION ACT—See RULES.	
clauses of, applicable to Rules.....	1
INVESTIGATION—See DISCIPLINE COMMITTEE, PROCEEDINGS.	
complaints against barristers, by Discipline Committee.....	22, 23
solicitors, by Discipline Committee.....	22, 23
students, by Discipline Committee.....	22, 23
unqualified practitioner, by Secretary.....	25
Convocation may order, in matters of discipline.....	23
INVESTMENTS—See FINANCES.	
under control of Finance Committee.....	10
IRISH BARRISTERS—See SPECIAL CASES.	
admission of, as solicitors.....	92
call to the bar of.....	38, 39, 86, 87
service of, before admission.....	92
IRISH SOLICITORS—See SPECIAL CASES.	
admission of, as solicitors.....	39, 92
service of, before admission.....	92
JOURNALS AND PRINTING COMMITTEE—See STANDING COMMITTEES.	
election of.....	6
Rolls, to approve of additions to.....	2
to consist of 12 members.....	6
to report on Benchers who fail to attend Convocation.....	4
superintend entries in Rolls.....	2
the printing of proceedings.....	4, 9
JUDGES—See COUNTY COURT JUDGES, COURT, SUPREME COURT, VISITORS.	
are visitors of the Society.....	1
libraries of, law reports to be sent to.....	20
may make rules under the Solicitors Act.....	106
notice to be sent to, of order striking solicitor off Rolls.....	24
of County Courts have privilege of using Benchers' Rooms.....	6
reports, entitled to.....	20
retired, are <i>ex officio</i> Benchers.....	74
JURISDICTION—See COURT, DISCIPLINE, JUDGES, SUPREME COURT OF ONTARIO.	
of Benchers in matters of discipline.....	23, 82
Court over solicitors.....	82, 91, 99, 100
Court to strike off rolls.....	82, 100
restore to practice.....	82
suspend.....	82, 83, 99
Discipline Committee to investigate complaints.....	22, 23
striking off rolls, of Court, to order.....	82, 100
suspension of solicitors, of Court, to order.....	82, 83, 99
KING'S COUNSEL—	
appointment of.....	87, 88
limit of number of.....	88
precedence of.....	89

1880-1881

LAW BENEVOLENT FUND—	
Benchers may establish	83
LAW REPORTS— <i>See</i> REPORTS.	
to be published	21
what to contain	21
LAW SCHOOL— <i>See</i> EXAMINATIONS, LECTURES.	
attendance at, compulsory	30
Law Faculty of University in lieu of attendance at	30
establishment of	81
fees payable for attending	43
regulations of	28
sessions of, begin last Monday in September	30
end last Monday in April	30
who may attend	31
staff of, appointment of	29, 81
duties of	29
three years course in	29
vacation of, at Christmas	30
LAW SOCIETY ACT—	
text of	73
LAW SOCIETY OF UPPER CANADA— <i>See</i> BENCHERS, CONVOCATION, ELECTION OF BENCHERS.	
Act respecting	73
election of benchers	74
treasurer	6, 74, 80
expulsion from, proceedings for	24
incorporation of, Treasurer and Benchers as	73
powers of	80, 81, 82, 95
seal of	1
seat of	1
terms of	73
who are members of	73
LECTURES— <i>See</i> LAW SCHOOL.	
any student may attend on payment of fees	31
attendance at, compulsory	30, 96
taken as part of service	31
to be recorded	30
attendance at lectures of University Law Faculty when taken in lieu of	30
fees for attending	43
proportion of, to be attended	30
LECTURERS— <i>See</i> OFFICERS, PRINCIPAL OF THE LAW SCHOOL.	
appointment of	7
duties of	29
eligible for re-appointment	8
examiners not to act as	29
not to hold office for more than three years	8

LEGAL EDUCATION— <i>See</i> LAW SCHOOL, LEGAL EDUCATION COMMITTEE.	
Benchers may appoint examiners.....	81
lecturers.....	81
maintain Law School.....	81
make rules for improvement of.....	81
LEGAL EDUCATION COMMITTEE— <i>See</i> STANDING COMMITTEES.	
consists of 14 members.....	6
election of.....	6
petitions of students for special relief stand referred to.....	5, 37
regulate Law School, to.....	28
report on candidates for admission, to.....	25
call to the bar, to.....	34
special relief, petitions for, stand referred to.....	5, 37
students libraries in County towns, may recommend.....	16
superintend admission to the Society, to.....	25
examinations, to.....	33
what petitions stand referred to.....	5
LIBRARIANS— <i>See</i> CHIEF LIBRARIAN, COUNTY LIBRARIES, PHILLIPS-STEWART LIBRARY.	
appointment of.....	7
duties of.....	7
grants in aid of, of County Libraries.....	17
LIBRARY— <i>See</i> COUNTY LIBRARIES, PHILLIPS-STEWART LIBRARY, STUDENTS' LIBRARIES.	
chief librarian to have general charge of.....	12
recommend purchasers for.....	12
keep an account of petty expenditures.....	12
heating of.....	12
hours of closing.....	13
judges, of, entitled to law reports.....	20
Legislative Assembly, of, entitled to law reports.....	20
librarians of.....	7, 12
Library Committee to manage.....	12
make regulations respecting.....	12
lighting of.....	12
students, not to be used by, except at night.....	13
Phillips-Stewart, librarian of.....	7
purchasers for, to be recommended by chief librarian.....	12
regulations respecting may be made by Library Committee.....	12
to be reported to Convocation.....	12
regulations of.....	12, 13, 14
use of, regulations respecting.....	12, 13, 14
LIBRARY COMMITTEE— <i>See</i> CHIEF LIBRARIAN, STANDING COMMITTEES.	
Consists of 12 members.....	6
election of.....	6
estimates of, to be furnished to Finance Committee.....	10
expenditures of.....	12
library, to have management of.....	12

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107
108
109
110
111
112
113
114
115
116
117
118
119
120

121
122
123
124
125

126
127
128
129
130
131
132
133
134
135
136
137
138
139
140

LIBRARY COMMITTEE— <i>Continued.</i>	
powers and duties of	12
regulations respecting library, may make	12
to report to Convocation	12
LIGHTING— <i>See</i> LIBRARY.	
of library	12
LOANS— <i>See</i> COUNTY LIBRARIES.	
to County Libraries	18
amount of	18
how repayable	18, 19
security for	19
LOCAL REGISTRARS— <i>See</i> COURT, SUPREME COURT REGISTRAR.	
to send list of practising solicitors to Secretary yearly	99
LIST— <i>See</i> SECRETARY.	
annual certificates, of solicitors who have taken out, to be posted yearly in Central Office	98
barristers entitled to vote at elections of Benchers to be made out and signed by Secretary	75
candidates for admission to Society to be posted by Secretary call to the Bar to be posted by Secretary	28, 34, 35
certificate of fitness to be posted by Secretary election as Benchers to be sent to electors to be posted by Secretary	37, 76
Central Office, of solicitors who have taken out annual certificates, to be posted in	98
reports, of those entitled to, to be sent to publishers	43
solicitors of, admitted to practice to be sent to secretary monthly	98
entitled to reports to be sent to publishers	43
who have taken out annual certificates, to be posted in central office	98
solicitors, of, who have practised, to be sent to secretary, yearly by local registrars	99
MATRICULANTS— <i>See</i> ADMISSION OF STUDENTS, STUDENTS-AT-LAW.	
admission of	25
Canadian Universities, of, may be admitted	26
matriculation requirements of, to be approved by Convocation	26
classing of	27
limit of certificate of, is four years before application	26
must be five years on the books before being called to the bar	34
not admitted under 16 years of age	25
of any University in Canada may be admitted	26
MATRICULATION— <i>See</i> ADMISSION OF STUDENTS, MATRICULANTS, STUDENTS, UNIVERSITIES.	
certificate of, in Canadian universities, required for admission	26
requirements of Canadian universities to be approved by Convocation	26

McGILL UNIVERSITY— <i>See</i> ADMISSION OF STUDENTS.	
graduates, of, admission of.....	25
matriculants of, admission of.....	26
matriculation requirements of, to be approved by Convocation.....	26
MEDALS—	
award of, to be stated in diploma.....	38
awarded on call to the bar.....	38
MEETINGS OF COMMITTEES— <i>See</i> COMMITTEES, SPECIAL COMMITTEES, STANDING COMMITTEES.	
quorum at.....	6
where held.....	6
MEETINGS OF CONVOCATION— <i>See</i> BENCHERS, CONVOCATION, LAW SOCIETY.	
adjournment of.....	3
apparel of Benchers at.....	3
failure of Benchers to attend for four consecutive terms.....	4, 78
hour of.....	3
in case of holiday, to be held next day.....	2
minutes of, to be printed.....	4
read.....	4
notice of.....	3
may be given by posting in Benchers' room.....	3
telegraph.....	3
order of proceedings at.....	4
ordinary.....	2
proceedings at, to follow Parliamentary mode.....	1
quorum at.....	3
special.....	3
to be held at Osgoode Hall.....	2
MERCHANT— <i>See</i> SOLICITOR.	
solicitor who is, may not practice.....	101
MILITIA— <i>See</i> ARTICLES, SERVICE.	
time spent in, may be allowed to clerks under articles.....	96
MINISTER OF JUSTICE—	
Bencher <i>ex officio</i>	74
call to the bar of.....	88
MINUTES OF PROCEEDINGS— <i>See</i> RESUMÉ.	
to be kept by secretary.....	4
printed.....	4, 9
read and signed.....	4
MISCONDUCT— <i>See</i> DISCIPLINE, PROFESSIONAL MISCONDUCT, STRIKING OFF ROLLS, PENALTIES.	
complaints, of, may be made to Court.....	100
Law Society.....	22, 25
the Secretary.....	26
of solicitors, students, etc.....	22, 82
penalties for— <i>See</i> PENALTIES.....	82

1940-1941
1942-1943
1944-1945
1946-1947
1948-1949
1950-1951
1952-1953
1954-1955
1956-1957
1958-1959
1960-1961
1962-1963
1964-1965
1966-1967
1968-1969
1970-1971
1972-1973
1974-1975
1976-1977
1978-1979
1980-1981
1982-1983
1984-1985
1986-1987
1988-1989
1990-1991
1992-1993
1994-1995
1996-1997
1998-1999
2000-2001
2002-2003
2004-2005
2006-2007
2008-2009
2010-2011
2012-2013
2014-2015
2016-2017
2018-2019
2020-2021

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MOOT COURTS—	
to be held in law school course.....	29
MONEYS—See EXPENDITURES, RECEIPTS.	
to be deposited in bank.....	11
MORTGAGE—	
definition of.....	110
power of Law Society to.....	73
solicitor mortgagee, entitled to fees.....	111
NAME—See REPORTS.	
of solicitor making a complaint against another solicitor not to be disclosed.....	25
of solicitor to appear in law reports of order against him.....	25
NOMINATION—See ELECTION OF BENCHERS.	
notice of refusal of, to be sent to the secretary.....	76
to be sent to nominee.....	76
of Benchers, how made.....	76
papers for, to be in writing.....	76
sent to the secretary.....	76
signed by ten electors.....	76
NOTICE—See CALL TO THE BAR, ELECTION OF BENCHERS, MEETINGS, PROCEEDINGS.	
appointment of salaried officer, notice of intention to be given to Benchers.....	8
call to the bar, for.....	34
form of.....	55
complaint, of, to be sent to solicitors complained against.....	22, 23
disbarment, of, to be sent to senior registrar.....	82
intention, in special cases.....	38, 40, 61
to appoint salaried officer to be given to Benchers.....	8
meetings of Convocation.....	3
may be given by posting in Benchers' room.....	3
may be given by telegraph.....	3
of motion.....	5
to dissolve County Law Associations.....	16
nomination as Bencher, to be sent to Bencher.....	76
order striking off Rolls, to be sent to Judges.....	24
solicitor.....	24
presentation.....	35
form of.....	55, 65
refusal of nomination, to be sent to the Secretary within four days.....	76
salaried officer, appointment of, to be given to Benchers..	8
special meetings, form of.....	45
supplementary examination, for.....	33
suspension, to be sent to Senior Registrar.....	82
telegraph, may be given by.....	3
to Benchers of failure to attend.....	4
intention to appoint salaried officer.....	8

NOTICE OF CALL—	
fees payable on	43
form of	55
special	61, 66
how to be given	34
NOTICE OF INTENTION—	
form of	61, 66
in special cases	38, 40, 93
of solicitor, to be called to the bar	93
NOTICE OF PRESENTATION—	
form of	55
when given	35
OATH—	
of barrister, form of	61
solicitor, form of	97
OFFICE— <i>See</i> OFFICERS.	
of emolument, students not to hold	28
solicitor holding office under the Crown not to practice	100
OFFICERS— <i>See</i> CHAIRMAN, CHIEF LIBRARIAN, EDITOR, EXAMINERS, LECTURERS, PRINCIPAL, SECRETARY, TREASURER.	
Bencher or partner of Bencher not eligible to hold salaried office	8
hold office during pleasure	8
notice of intention to appoint, to be given by Secretary	8
of Convocation	7
Court, solicitors are	91
salaried, appointment of, notice to be given before	8
salaries of, to be fixed by Convocation	9
paid monthly	9
scrutineers at election of Benchers, appointment of	74
solicitors are officers of Court	91
to be appointed by ballot	4
to have no claim to retiring allowance	9
ONTARIO GAZETTE— <i>See</i> SPECIAL CASES.	
publication of notice of application in	38, 40
results of election of Benchers in	78
ONTARIO LAW REPORTS— <i>See</i> REPORTS.	
to be published	21
what to contain	21
ONTARIO WEEKLY NOTES— <i>See</i> REPORTS.	
publication of, under regulations of Convocation	21
ORDER— <i>See</i> COSTS, STRIKING OFF ROLLS.	
against solicitor to contain his name	25
restoring to rolls	24, 82
striking off rolls, <i>see</i> STRIKING OFF ROLLS	23, 24
notice to be given to Judges of	24
proceedings to be taken on	24
ORDER OF BUSINESS— <i>See</i> MEETINGS.	
meetings of Convocation, at	4

100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
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155
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157
158
159
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161
162
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164
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167
168
169
170
171
172
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ORDER OF PROCEEDINGS—	
at ordinary meetings of Convocation.....	4
OSGOODE HALL—	
grounds and buildings of.....	9, 10
meetings to be held at.....	2
seat of the Society.....	1
use of, by students.....	13, 31
OSGOODE LEGAL AND LITERARY SOCIETY—	
regulations respecting.....	31
PAPER ROLL— <i>See</i> ROLLS.	
custody of.....	2
of barristers, to be kept by Secretary.....	2
students (common roll) to be kept by Secretary.....	2
PAPERS—	
production of, may be dispensed with.....	95
to be filed on admission of solicitors.....	33, 37, 95
students.....	27, 93, 98
call to the bar.....	34, 35
voting paper for election of Benchers.....	76
form of.....	84
PARCHMENT ROLL— <i>See</i> ROLLS.	
custody of.....	2
of barristers, to be kept by Secretary.....	2
students (Common Roll) to be kept by Secretary.....	2
PARLIAMENTARY PROCEDURE—	
to be followed in Convocation.....	2
PASS STANDING— <i>See</i> EXAMINATIONS.	
percentage of marks required for.....	32
PENALTIES— <i>See</i> COMPLAINTS, DISBARMENT, DISCIPLINE, EXPULSION, FINES, IMPRISONMENT, STRIKING OFF ROLLS, SUSPENSION.	
attachment, witness liable to, for non-attendance.....	80
Benchers may impose, for misconduct.....	23, 82
depriving solicitor of certificate, vote required for.....	23
disbarment— <i>See</i> DISBARMENT.	
examinations, refusal to admit students to, for misconduct..	82
expulsion— <i>See</i> EXPULSION.	
fines— <i>See</i> FINES.	
imprisonment— <i>See</i> IMPRISONMENT.	
misconduct, for.....	23, 82
misuse of library, for.....	14
practising while holding office under Crown.....	100
under suspension.....	100, 101
without a certificate, for.....	99
qualification, for.....	90
professional misconduct, for.....	23, 82
refusal to admit students to examination for misconduct.....	82

PENALTIES—*Continued.*

solicitor, depriving of certificate, vote required for.....	23
practising while holding office under Crown, for.....	100
under suspension for.....	100, 101
without a certificate, for.....	99
for misconduct.....	23, 82
striking name of student off books of Society for misconduct.....	82
striking off rolls— <i>See</i> STRIKING OFF ROLLS.	
student, refusing examinations to.....	82
striking name of, off books of the Society.....	82
suspension— <i>See</i> SUSPENSION.	
vote of Benchers to deprive solicitor of certificate.....	23
disbar.....	23
witness, liable to attachment for non-attendance.....	80
PERCENTAGE— <i>See</i> COSTS, EXAMINATIONS, HONOURS.	
of marks for pass and honours.....	32
payment of costs on basis of.....	107
PETITIONS— <i>See</i> ADMISSION OF STUDENTS, BENCHERS, ELECTIONS, SPECIAL CASES.	
against election of Benchers.....	79, 80
filing of.....	79
hearing of.....	79
notice of hearing of.....	79
considered by Convocation on committees' report.....	5, 23
for admission.....	46
call to the bar.....	35, 57
certificate of fitness.....	36
special relief, fees on.....	43
forms of.....	46, 57, 59
special cases.....	62, 63, 67, 68
stand referred to Standing Committees.....	5
special relief, for, stand referred to committees.....	5
PHILLIPS-STEWART LIBRARY— <i>See</i> LIBRARIES.	
Librarian of, appointment of.....	7
PRACTICE— <i>See</i> SOLICITORS, STRIKING OFF ROLLS.	
solicitors holding office in Supreme Court deemed to be in... ..	88
in, for 5 or 10 years entitled to be called to the bar.....	87, 88
solicitors when debarred from.....	100, 101
unqualified persons, by, penalty for.....	90
PRACTICE CASES— <i>See</i> REPORTS.	
to be included in the Law Reports.....	21
PRACTISING SOLICITORS—	
list of, to be sent by local registrars to secretary.....	99
PRECEDENCE— <i>See</i> RANKING.	
of graduates and matriculants on admission.....	27
candidates for call to the bar.....	36
King's Counsel.....	89
members of the bar.....	89
patent of, may be granted.....	89

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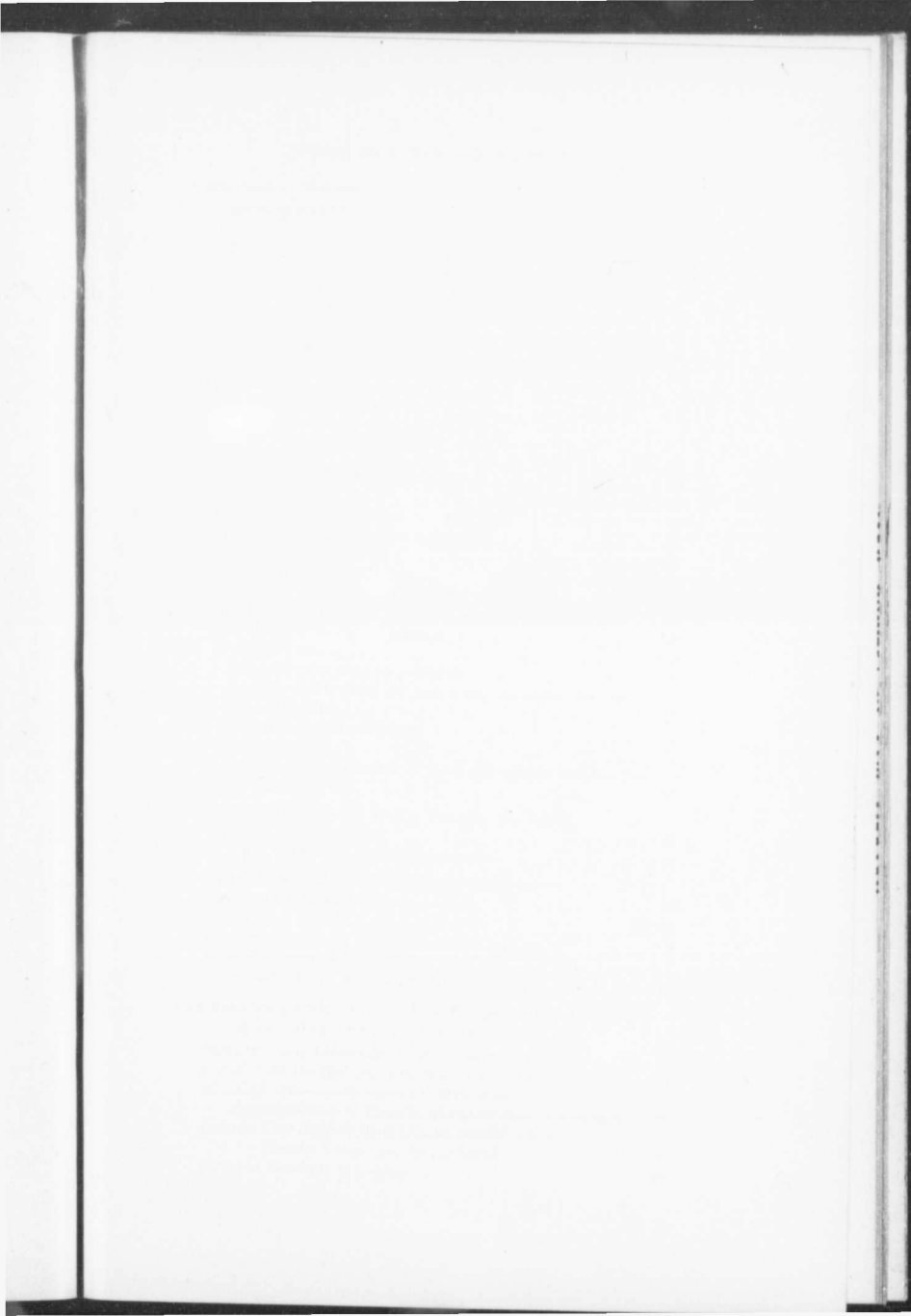
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PRESENTATION—	
filing of	35
forms of	45, 55, 65
notice of	35
PRINCIPAL OF THE LAW SCHOOL— <i>See</i> OFFICERS.	
appointment of	7
duties of	29
to certify attendance at law school	30
to fix date of supplemental examinations	32
PRISONER— <i>See</i> SOLICITORS.	
solicitor who is, debarred from practising	100
PROCEEDINGS— <i>See</i> COSTS, COURT, DISCIPLINE, ELECTION OF BENCHERS, FORMS, IMPEACHMENT, MEETINGS, MINUTES, ORDER, STRIKING OFF ROLLS, SUPREME COURT.	
adjournment	3
before Discipline Committee	22, 23
election of Bencher to fill a vacancy, for	4
impeachment by, not precluded by suspension	24
in case of vacancy of seat	4
on striking off rolls— <i>See</i> STRIKING OFF ROLLS	24, 101
on suspension for misconduct	82
order of	4
quorum required	3, 23
rules may pass three readings by consent	5
to be according to Parliamentary mode	2
printed	4
voting by ballot	4
yeas and nays may be taken	5
PROCEDURE IN CONVOCATION— <i>See</i> CONVOCATION.	
Parliamentary to be followed	2
PROFESSIONAL MISCONDUCT— <i>See</i> COMPLAINTS, DISCIPLINE, MIS- CONDUCT, PENALTIES, STRIKING OFF ROLLS.	
complaints of, may be made to Court	100
Law Society	22, 25
referred to Discipline Committee	22
penalties for— <i>See</i> PENALTIES.	
powers of Benchers in matters of	82
striking off rolls for— <i>See</i> STRIKING OFF ROLLS	22, 23, 82, 100
PROOFS— <i>See</i> ADMISSION, SPECIAL CASES.	
PROVINCIAL BARRISTERS AND SOLICITORS— <i>See</i> SPECIAL CASES.	
admission of	38, 39, 87, 92
PURCHASES— <i>See</i> LIBRARY.	
for library to be recommended by chief librarian	12
QUALIFICATION— <i>See</i> ADMISSION TO THE SOCIETY, BENCHERS, DIS- QUALIFICATION, UNQUALIFIED PRACTITIONERS.	
as to age	25, 34
of candidates for office of Bencher	75
electors to vote for Benchers	75
students-at-law	25, 26, 27
special examination for	26

QUEBEC— <i>See</i> SPECIAL CASES.	
admission of barristers and solicitors of	87, 93
barrister of, entitled to be admitted as solicitor, on being called to the bar of Ontario	93
QUEEN'S UNIVERSITY— <i>See</i> ADMISSION OF STUDENTS.	
graduates of, admission of	25, 26
matriculants of, admission of	26
matriculation requirements of, to be approved by Convocation	26
QUESTIONS—	
to be answered by barrister	53
student	52
QUORUM— <i>See</i> MEETINGS.	
adjournment for lack of	3
at meetings of committees	6
Convocation	3, 23
required to disbar or strike off rolls	23
RANKING— <i>See</i> PRECEDENCE.	
of graduates and matriculants on admission	27
candidates for call to the bar	36
RECEIPTS AND EXPENDITURES— <i>See</i> FINANCES.	
annual statement of	11, 84
to be furnished to members	84
cheques, who to sign	11
estimates of, to be made by Standing Committees	10
moneys received to be deposited in Bank of Hamilton	11
monthly statement of, to be laid before Finance Committee	11
to be audited monthly	11
yearly	84
who to sign cheques	11
RECIPROCAL PRIVILEGES— <i>See</i> SPECIAL CASES.	
REFERENCE— <i>See</i> COSTS.	
bill of costs for taxation, of	102, 103
of, order for	102, 103
REGISTRAR— <i>See</i> COURT, CENTRAL OFFICE, SUPREME COURT.	
local, to send list of practising solicitors to Secretary	99
of High Court Division, notice of disbarment or suspension to be sent to	82
notice of resolution of Benchers that solicitor is unworthy to practice to be sent to	82
certificate of admission to be signed by	97
REGULATIONS— <i>See</i> RULES.	
Benchers may dispense with	81
may make	80, 81, 83
Judges may make, under Solicitors Act	106



AMERICAN BOOK CONCERN

REGULATIONS—*Continued.*

respecting county libraries.....	16
may be made by Library Com- mittee.....	12
to be reported to Convocation...	12
great library, may be made by Library Com- mittee.....	12
respecting Law School.....	28
legal education.....	81
Osgoode Legal and Literary Society.....	31

REPEAL—

of former Rules, effect of.....	1
---------------------------------	---

REPORTERS—*See* EDITOR, OFFICERS.

appointment of.....	83
control of, by Reporting Committee.....	19
duties of.....	21
fees for copies of judgments.....	22
hold office during pleasure of Benchers.....	83
leave of absence to.....	21
must be members of the bar.....	83
Law Society.....	83
need not attend trials.....	22
substitutes of, in case of absence.....	21
to correct proof.....	21
deliver legible copy to printers.....	21
prepare short notes of important decisions for early publication.....	21
furnish copies of judgments.....	22
prepare digest.....	22
report name of solicitor in judgment against solicitor for misconduct.....	25

RESTORING TO ROLLS—*See* ROLLS, STRIKING OFF ROLLS.

order for, may be made.....	82
to be laid before Convocation.....	24

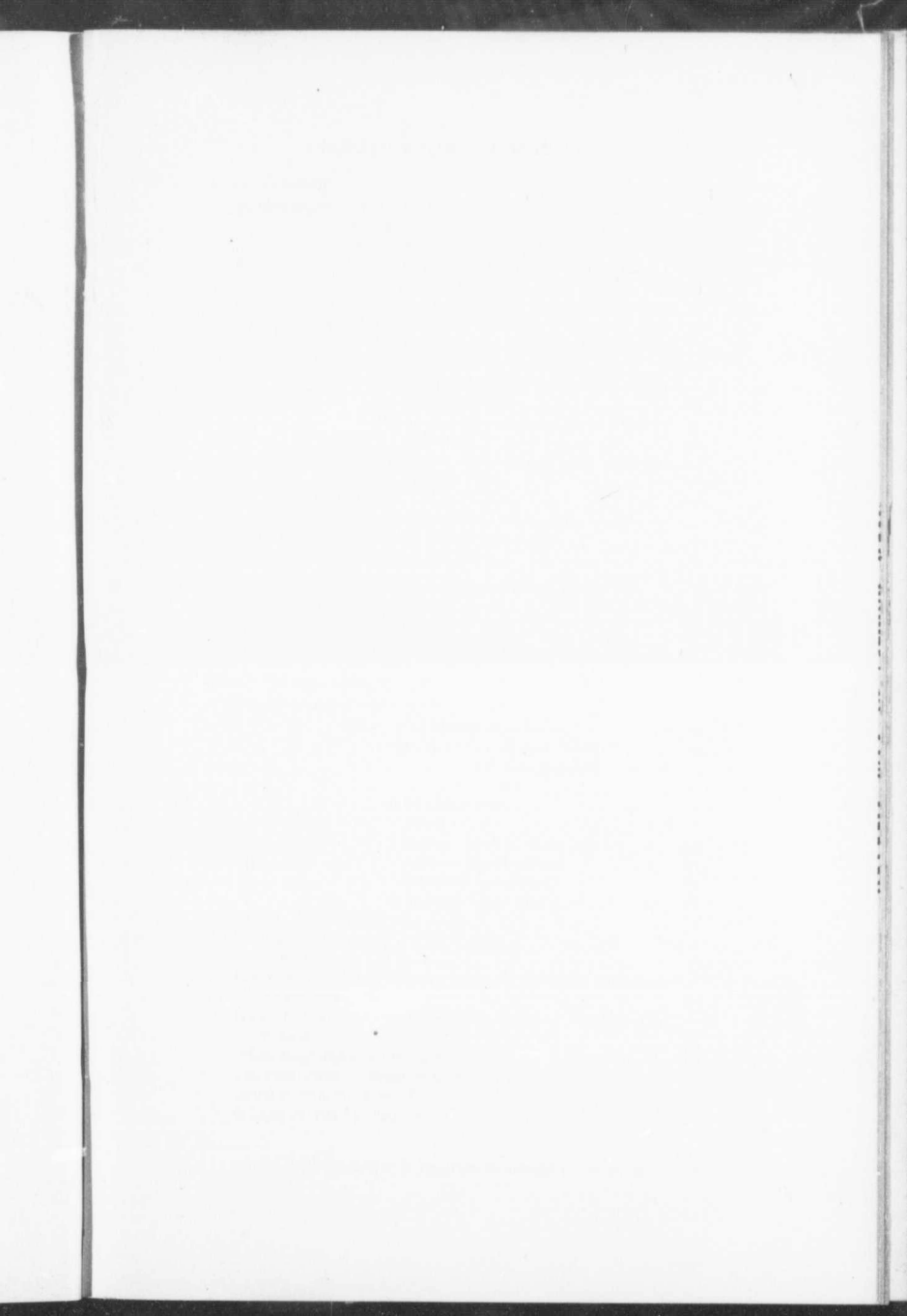
REPORTING COMMITTEE—*See* STANDING COMMITTEES.

consists of 14 members.....	6
duties of.....	7, 19
election of.....	6
prescribe duties of Editor, to.....	7
report default to Convocation, to.....	19

REPORTS—*See* EDITOR, ONTARIO LAW REPORTS, REPORTING COM-
MITTEE, SUPREME COURT REPORTS.

barristers may be entitled to on payment of \$15.....	20
list of those entitled to, to be sent to publisher.....	43
of committees— <i>See</i> STANDING COMMITTEES.	
Supreme Court of Canada, when furnished to solicitors..	20
Ontario Law Reports, how printed and published.....	21
Weekly Notes, may be published.....	21
power of Benchers to publish.....	38

REPORTS— <i>Continued.</i>	
Practice and Election Cases to be included in.....	21
students may be entitled to on payment of \$15.....	20
to contain, headnotes of points decided.....	21
Practice and Election Cases.....	21
Weekly Notes may be published.....	21
persons entitled to.....	19, 20
list of to be sent to publisher.....	43
RESIGNATION—	
of Benchers, election of successor on.....	80
Treasurer, election of successor on.....	7
RETIRED JUDGES— <i>See</i> JUDGES.	
Benchers <i>ex officio</i>	74
entitled to reports.....	20
RETIRING ALLOWANCE— <i>See</i> SALARIES.	
officers have no claim to.....	9
REVENUE— <i>See</i> RECEIPTS.	
RESUMÉ OF PROCEEDINGS— <i>See</i> MINUTES.	
to be published.....	9
what to contain.....	9
ROBINSON, CHRISTOPHER—	
scholarship in memory of.....	38
ROLLS— <i>See</i> ARCHIVES, BARRISTERS' ROLL, COMMON ROLL, SOLICITORS' ROLL, STRIKING OFF ROLLS, STUDENTS' ROLL.	
alterations and additions to be made by the Secretary.....	2
not to be made without the authority of Convocation.....	2
barristers, to be in custody of the Secretary.....	2
to be kept in two parts, paper and parchment.....	2
common, (Students' Rolls) to be in custody of the Secretary.....	2
to be kept by the Secretary.....	2
custody of.....	2, 98
entries on, not to be made without authority of Convocation.....	2
to be made by the Secretary.....	2
to be submitted to Chairman of the Journals and Printing Committee for approval.....	2
index of paper rolls to be kept by the Secretary.....	2
Judges to be notified by the Secretary of order striking off.....	24
name of solicitor struck off, to appear in the law reports of order.....	25
order restoring to, copy of, to be procured by Treasurer.....	24
to be laid before Convocation.....	24
order striking off, consequences of.....	23, 24
Judges to be notified of, by Secretary.....	24
to contain name of solicitor.....	24
paper roll, entries on to be made by Secretary.....	2
index of, to be kept by Secretary.....	2
of barristers to be kept by the Secretary.....	2
of students, to be kept by the Secretary.....	2



AMERICAN BOOK CONCERN

ROLLS—*Continued.*

parchment roll, entries on to be made from paper roll.....	2
of barristers to be kept by Secretary.....	2
of students to be kept by Secretary.....	2
restoring to, order for, to be laid before Convocation.....	24
may be made.....	82
Solicitors, additions to, to be posted in Central Office.....	98
copy of, to be kept by Secretary.....	98
to be sent to Secretary by officer having custody of it.....	98
to be entered in a book by the Secretary and numbered.....	98
alphabetically arranged to be kept by Secretary.....	98
alphabetically arranged to be posted in Central Office.....	98
custody of.....	98
every practising solicitor whose name appears on, to take out annual certificate.....	98
striking off— <i>See</i> STRIKING OFF ROLLS.	

ROYAL MILITARY COLLEGE—*See* ADMISSION OF STUDENTS.

graduates of, admission of.....	26
matriculants of, admission of.....	27
matriculation requirements of, to be approved by Convocation.....	27

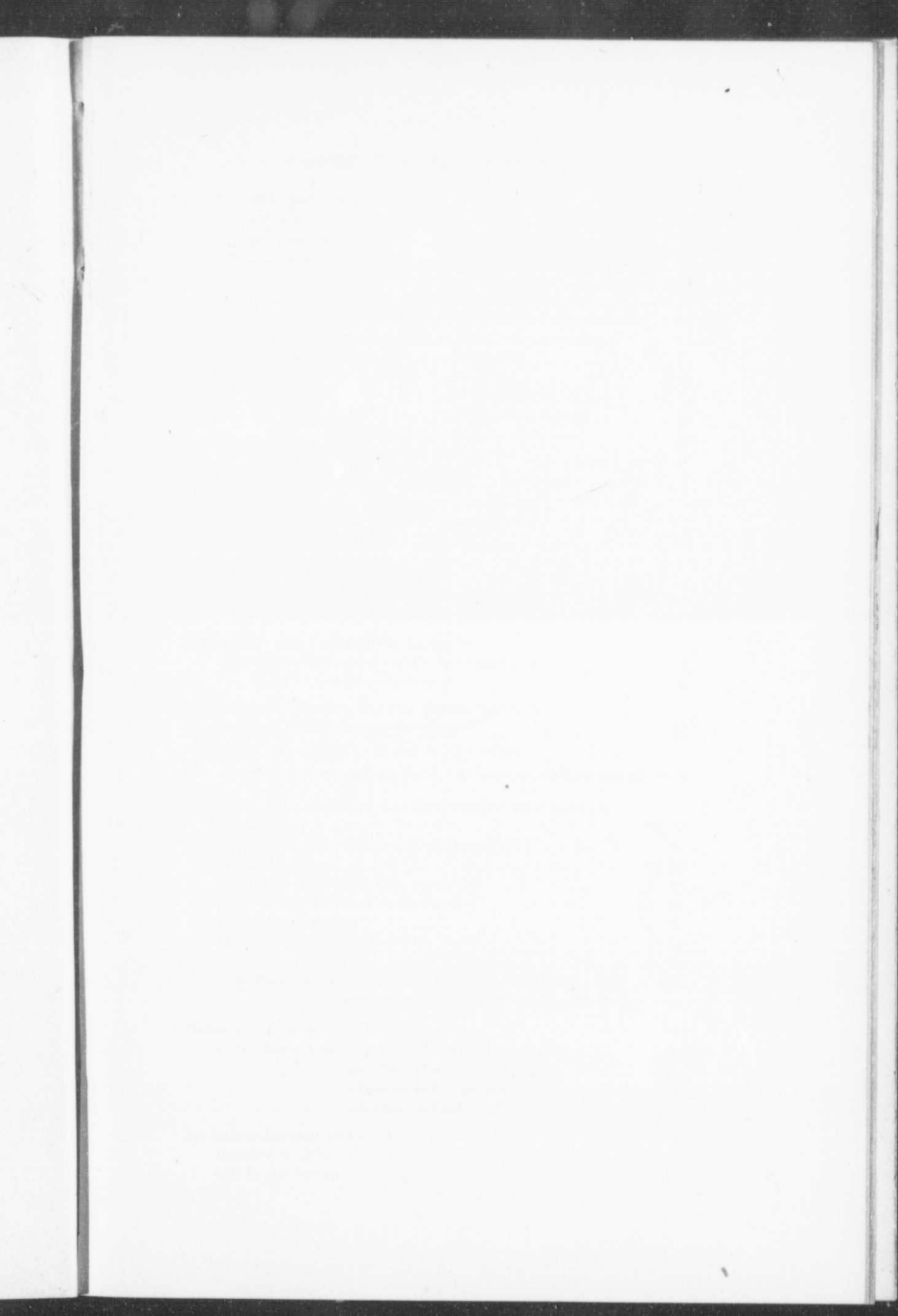
RULES—*See* REGULATIONS.

Benchers may dispense with.....	81
make for admission of students.....	81, 82
relating to County Law Libraries.....	83
discipline and honour of the bar.....	82
to abolish terms.....	80
admit women.....	81
change dates for doing any act.....	80
conduct examinations.....	81
establish Law School.....	81
improve Legal Education.....	81
former, all repealed.....	1
forms are part of.....	1
interpretation of.....	1
Law School, relating to may be made by Legal Education Committee.....	28
Legal Education Committee may make to regulate Law School.....	28
judges may make, under Solicitors Act.....	106
may pass three readings on same day by consent.....	5
repeal of former, effect of.....	1
to be approved by visitors.....	80, 81

SALARY—

officers paid by, notice to be given before appointment of....	8
--	---

SALARY— <i>Continued.</i>	
officers of to be fixed by Convocation.....	9
paid monthly.....	9
solicitor paid by, may recover costs.....	112
SCHOLARSHIPS—	
award of, to be stated in diploma.....	38
general, awarded at each of first and second intermediate examinations, one of \$100; one of \$60, and five of \$40 each, to candidates passed with honours.....	38
special, awarded at final examinations, Chancellor Van Koughnet, of the value of \$400.....	38
Christopher Robinson Memorial, of the value of \$100....	38
SCIENCE— <i>See</i> ADMISSION OF STUDENTS.	
graduates in, admission of.....	25, 26
SCOTCH BARRISTERS— <i>See</i> SPECIAL CASES.	
admission of, as solicitors.....	92
call to the Bar of.....	34, 38, 86, 87
service of, before admission.....	92
SCOTCH SOLICITORS— <i>See</i> SPECIAL CASES.	
admission of, as solicitors.....	92
service of, before admission.....	92
SCRUTINEER— <i>See</i> ELECTION OF BENCHERS, VOTING.	
absence of one, others may proceed.....	75
appointment of, at election of Benchers.....	74
vacancy in office of, to be filled by Treasurer.....	74
SCRUTINY— <i>See</i> ELECTION OF BENCHERS, VOTING.	
any elector entitled to be present at.....	77
of votes at election of Benchers.....	75
SEAL OF THE SOCIETY—	
description of.....	1
of the Society, custody of.....	2
SEAL OF THE SOCIETY—	
of the Society.....	1
SECRETARY— <i>See</i> OFFICERS.	
appointment of.....	7, 78
Benchers who fail to attend, to give notice to.....	4
to report on.....	4
complaints by solicitors, to be treated as confidential by... to be investigated by.....	25 25
general duties of.....	8, 9, 10, 11
order striking off rolls, proceedings to be taken by.....	24
petitions for special relief, to transmit.....	5
security for performance of duties, to give.....	10
shall keep rolls and archives.....	2
to countersign cheques.....	11
every instrument under seal.....	2
deposit moneys received in bank.....	11





SECRETARY—*Continued.*

enter copy of solicitors' roll.....	98
give security for performance of duties.....	10
week's notice of intention to appoint salaried officer.....	8
issue annual certificates.....	98
make annual statements of receipts and expenditures.....	11, 84
monthly statements of receipts and expenditures.....	11
notify members of the bar of Benchers nominated.....	76
persons nominated as Benchers.....	76
post list of applications for admission.....	28
call to the bar.....	34, 35
certificate of fitness.....	37
those entitled to vote for Benchers.....	75
publish results of election of Benchers.....	78
supervise grounds and buildings.....	9

SECURITY—

between solicitor and client, agreements for.....	109
to be given by secretary.....	10

SENIOR EXAMINER—*See* EXAMINERS.

to be appointed by Convocation.....	8
-------------------------------------	---

SENIOR REGISTRAR—*See* REGISTRAR.SENIORITY—*See* PRECEDENCE, RANKING.

precedence of members of the bar according to.....	89
King's Counsel according to.....	89

SERVICE—*See* MILITIA, SERVICE UNDER ARTICLES.

time of, in Militia may be allowed.....	96
---	----

SERVICES—*See* COSTS.

of solicitors include fees, costs, charges and disbursements.....	106
---	-----

SERVICE UNDER ARTICLES—*See* ARTICLES, STUDENTS-AT-LAW.

affidavit of.....	36, 53
attendance at lectures counted as part of.....	31
certificate of.....	35, 54
condition of admission, as a solicitor.....	95
dates from admission to the Society.....	96
form of articles for.....	47
of solicitors in special cases.....	40, 92
students-at-law.....	28, 91
time spent in military service may be allowed as.....	96
attendance at lectures counted as part of.....	31

SESSIONS—LAW SCHOOL, LECTURES, TERMS.

of the law school, begin last Monday in September.....	30
end last Monday in April.....	30
vacation at Christmas.....	30
who may attend.....	30

SOLICITOR-GENERAL OF CANADA—

Benchers <i>ex officio</i>	74
call to the bar of.....	88

SOLICITORS— <i>See</i> ADMISSION OF SOLICITORS, ANNUAL CERTIFICATES, ANNUAL FEES, CERTIFICATE OF FITNESS, COSTS, DISCIPLINE, PENALTIES, ROLLS, SPECIAL CASES, STRIKING OFF ROLLS.	
Act respecting	90
admission of, conditions of	95
in special cases	39, 92
papers to be filed on	95
women as	41, 81
age limit of, for admission of	34, 91
agreements of, with clients	106-110
annual certificates of, fines for practising without	99
delay in obtaining	99
when to be obtained	98
annual fees of	42
British and Colonial barristers and solicitors, admission of, as	92
British and Colonial barristers and solicitors, service of	92
call to the bar of	88
fees of	88, 93
cannot recover fees while imprisoned or suspended	100
certificate of fitness of, application for	36
form of	59
complaints against— <i>See</i> COMPLAINTS	22, 23
costs of, action not to be brought for, till after bill rendered	101
directors, who are, costs of	110, 111
discipline of— <i>See</i> DISCIPLINE	22, 23, 82, 100
engaged as merchant, may not practise	101
entitled to Ontario reports on taking out certificate	20
Supreme Court Reports, when	20
guilty of contempt of Court, who practise while in prison or suspended	100
holding office under the Crown, may not practise	101
in prison, may not practise	100
list of, to be sent to publishers of reports	43
who have been admitted to practice to be sent to secretary	98
in practice to be sent to secretary	99
taken out annual certificates to be posted in central office	98
may charge interest on costs	109
not act as agent for unqualified person	100
have more than four clerks under articles	94
take security from client	106
misconduct of— <i>See</i> DISCIPLINE	22, 23, 82, 100
mortgagees, who are, costs of	110, 111
name of, to appear in report of judgment against	25
oath of allegiance and office to be taken by	97
officers of Court, are	91
Ontario barrister, admission of, as	92



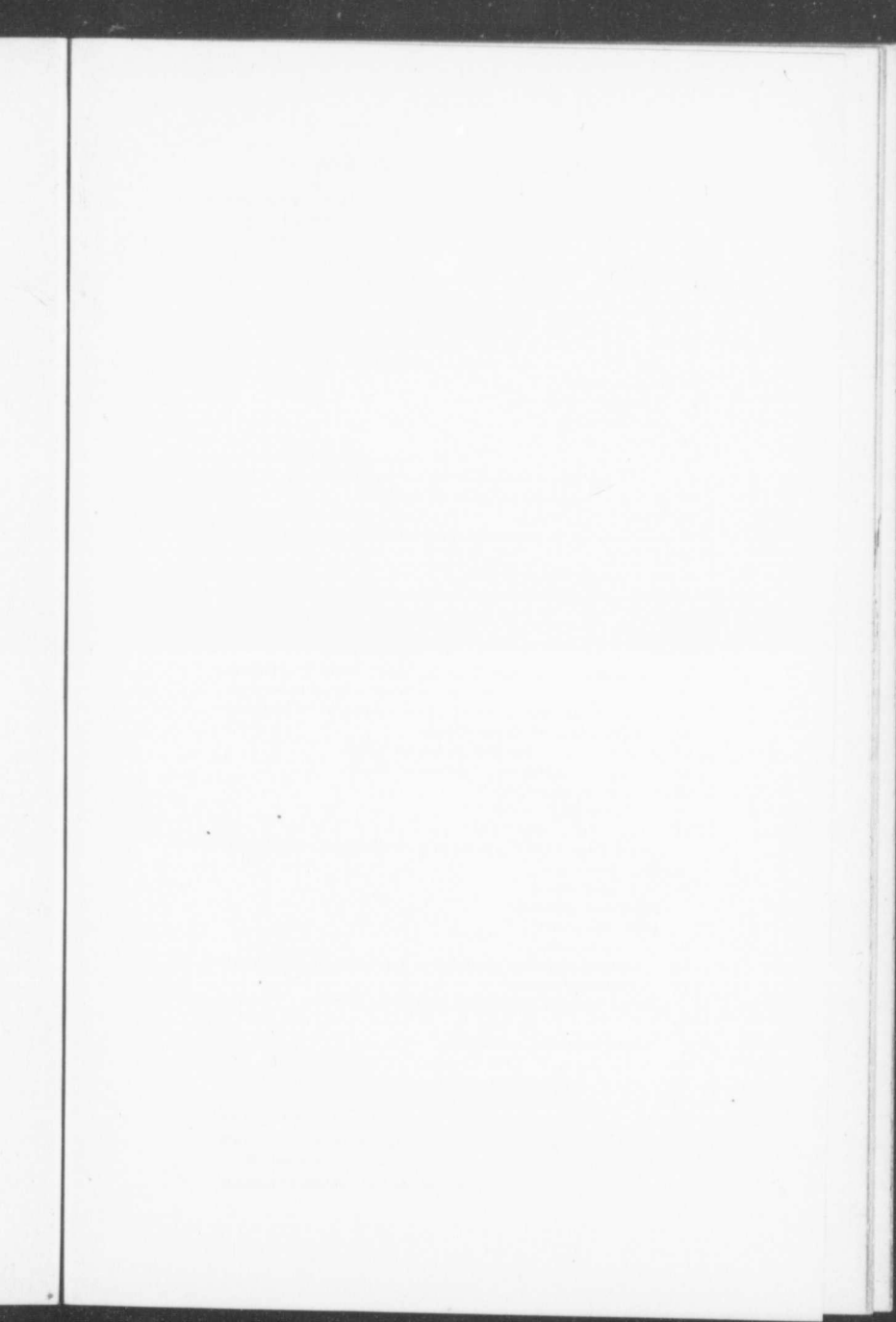


SOLICITORS—*Continued.*

penalty for practising as, without annual certificate.....	99
qualification.....	90
persons who may be admitted as.....	91, 92
practising five or ten years, call to the bar of.....	88
practising, list of, to be sent to secretary.....	99
professional misconduct of— <i>See</i> DISCIPLINE.....	22, 23, 82, 100
Quebec barrister, admission of, as.....	93
rules for admission of, may be made by Benchers.....	81
roll of, copy of, to be sent to secretary.....	98
kept by secretary.....	98
salaried, taxation of costs of.....	112
striking off rolls of— <i>See</i> STRIKING OFF ROLLS.	
suspended, may not practise.....	100
suspension of, for misconduct.....	24, 82, 100
practising without certificate.....	99
unqualified persons not to act as.....	90
women, admission of, as.....	41, 81
SOLICITORS ACT— <i>See</i> SOLICITORS.	
text of.....	90
SOLICITOR AND CLIENT— <i>See</i> COSTS, SOLICITORS.	
agreements may be made between, for services.....	106
SOLICITORS' ROLLS— <i>See</i> BARRISTERS' ROLLS, COMMON ROLL, ROLLS, STRIKING OFF ROLLS.	
additions to, to be posted.....	98
alphabetical list of names on, to be kept.....	98
copy of, to be sent to Secretary monthly.....	98
entered by Secretary.....	98
custody of.....	98
order restoring to, to be laid before Convocation.....	24
striking off— <i>See</i> STRIKING OFF ROLLS.	
SPECIAL ACT—	
examination under, for call to the bar.....	34
SPECIAL CASES— <i>See</i> ADMISSION OF SOLICITORS, CALL TO THE BAR, EXAMINATIONS, SOLICITORS, SPECIAL RELIEF.	
admission of solicitors in,	
classes of persons who may be admitted.	
British barristers.....	92
solicitors.....	92
Colonial barristers.....	92
solicitors.....	92
Canadian provincial barristers.....	92
solicitors.....	92
English barristers.....	92
solicitors.....	92
Irish barristers.....	92
solicitors.....	92
Ontario barristers.....	92

SPECIAL CASES—Continued.

admission of solicitors in,	
classes of persons who may be admitted.	
Quebec barristers	93
Scotch barristers	92
solicitors	92
Writers to the Signet	92
conditions of,	
examinations to be passed	40
fees to be paid	43, 93
notice of intention to apply for, to be given to Secretary	40
to be published in Ontario Gazette	40
petition for, to be filed	39
proofs of qualification and good conduct	40
service under articles to be made	39, 40, 92
forms to be used for	40, 66-72
admission of students-at-law, rules may be made in	81, 82
women, rules for	41
Alberta barristers, may be called to the bar without examination	39
articles, affidavit of service under, form of	53
assignment of, form of	50
certificate of service under, form of	54
form of	47
service under in	39, 40, 92
Benchers may make rules respecting	81
dispense with rules in	81
British barristers, admission of, as solicitors, in	39, 92
call to the bar of, in	38, 86
British Columbia barristers may be called to the bar without examination	39
call to the bar in;	
classes of persons who may be called;	
British barristers	86
Canadian provincial barristers	87
Colonial barristers	87
English barristers	86
Irish barristers	86
Minister of Justice	88
Ontario solicitors of five years' practice with examination	88
of ten years' practice without examination	87
Quebec, advocates	87
attorneys	87
barristers	87
clerk and students	87
proctors-at-law	87
solicitors	87





SPECIAL CASES—Continued.

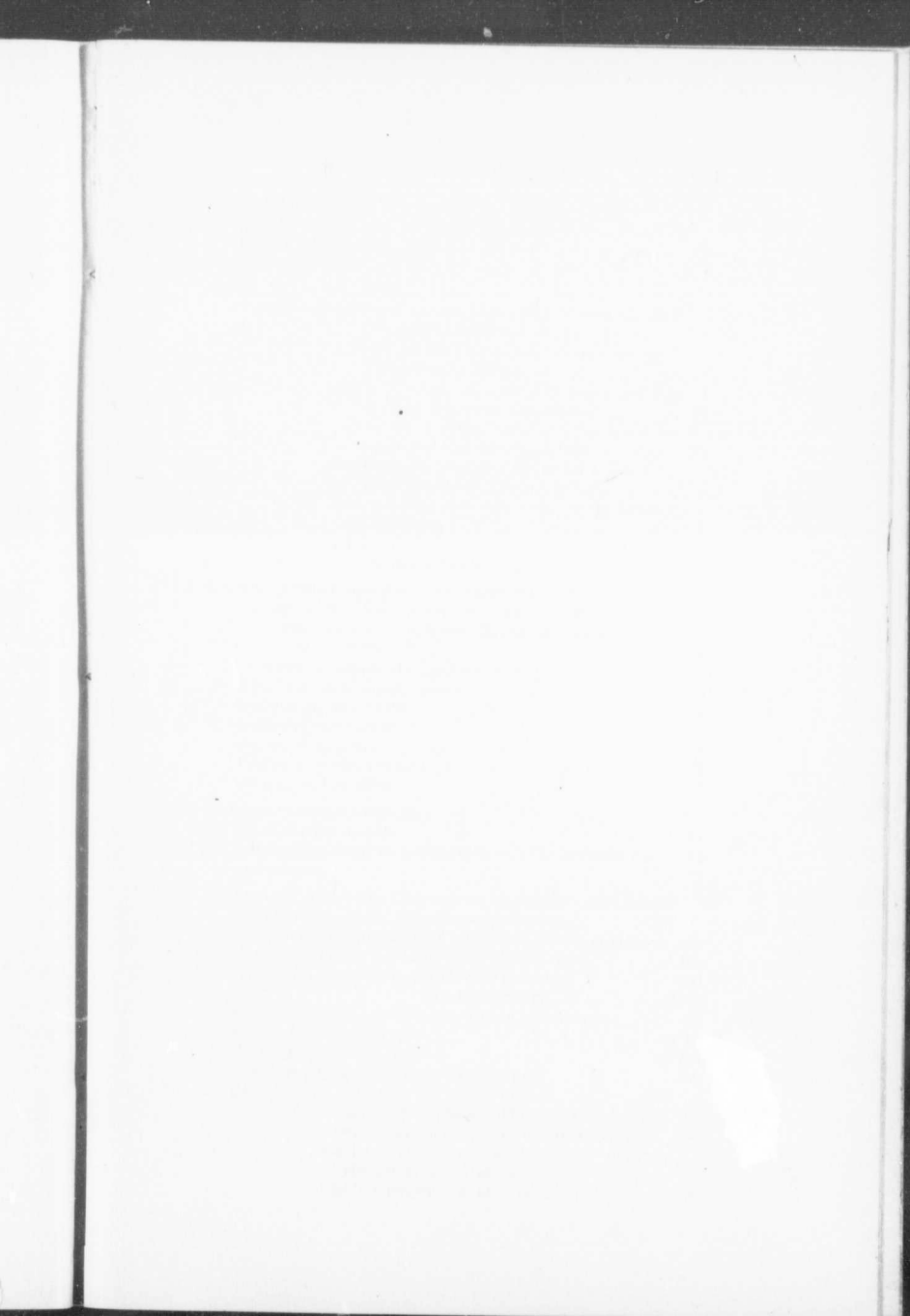
call to the bar in;	
classes of persons who may be called;	
Scotch barristers	86
Solicitor-General	88
conditions of;	
examinations to be passed	39
fees to be paid	43, 88
notice of intention to apply for, to be filed with	
Secretary	38, 88
to be published	
in Ontario Ga-	
zette	38
petition to be filed for	38
proofs of like privilege to Ontario barristers	87
qualification and good conduct	39, 87
forms to be used for	39, 61-66
Canadian provincial barristers, admission of, as solicitors	
in	39, 92
call to the bar of, in	38, 86
Colonial barristers, admission of, as solicitors, in	39, 92
call to the bar of, in	38, 86
declaration of publication of notice	64, 70
qualification	64, 70
discipline of solicitors and students, rules may be made in ..	82
dispense with rules, Benchers may, in	81
examination for admission as solicitor in, generally	40
of solicitors in, Ontario barrister ..	93
call to the bar in, without	39, 87, 92
for call to the bar in, generally	39
of Ontario solicitors	88
Quebec applicants	87
under Special Act	34
fees payable in, admission of solicitors, British and Colonial	
barristers and	
solicitors	43
Canadian provincial	
barristers and	
solicitors	43
fees payable in, admission of solicitors, Ontario barristers...	93
Quebec barristers ..	93
call to the bar, British and Colonial barris-	
ters	43
Canadian provincial barris-	
ters	43
Ontario solicitors	88
Quebec applicants	43
forms to be used in	39-72
Manitoba barristers may be called to the bar without ex-	
amination	39
Minister of Justice, call to the bar of	88

SPECIAL CASES—*Continued.*

notice of intention to apply in, forms of	61, 66
to be given to the Secretary	
published in Ontario	38, 40, 88
Gazette	38, 40
Ontario barristers, admission of, as solicitors in	92, 93
as solicitors in, without	
examination	92
examination of, to be prescribed	93
fees for admission of, in	93
Ontario solicitors, call to the bar of, in	87
without examination	87
examination of, as may be required	88
fees for call to the bar of, in	88
petition for admission in, forms of	67, 68
to be presented	39, 40
call, in, forms of	62, 63
to be presented	38
powers of Benchers to make rules in	81, 82
proof of, publication of notice, declaration for	64, 70
qualification and good conduct, in	38, 39, 87, 64
Quebec applicants, admission of as solicitors in	93
call to the bar of	87
examination of	87
fees for admission of solicitors	93
call to the bar	43
reciprocal privileges, condition of admission	87
rules respecting, may be dispensed with	81
made by Benchers	81
Saskatchewan barristers, may be called to the bar without	
examination	39
service under articles, for admission of solicitors, in British	
and Colonial Barristers, three	
years	39, 92
for admission of solicitors, in, British	
and Colonial solicitors, one	
year	39, 92
for admission of solicitors, in, Can-	
adian provincial barristers, three	
years	39, 92
for admission of solicitors, in, Can-	
adian provincial solicitors, one	
year or less	39, 40, 92
rules may be made in	81, 82
Solicitor-General, call to the bar of	88
testimonials of good character to be given, for call, in	39, 87

SPECIAL COMMITTEES—*See* STANDING COMMITTEES.

Reference of petitions to	5
---------------------------	---



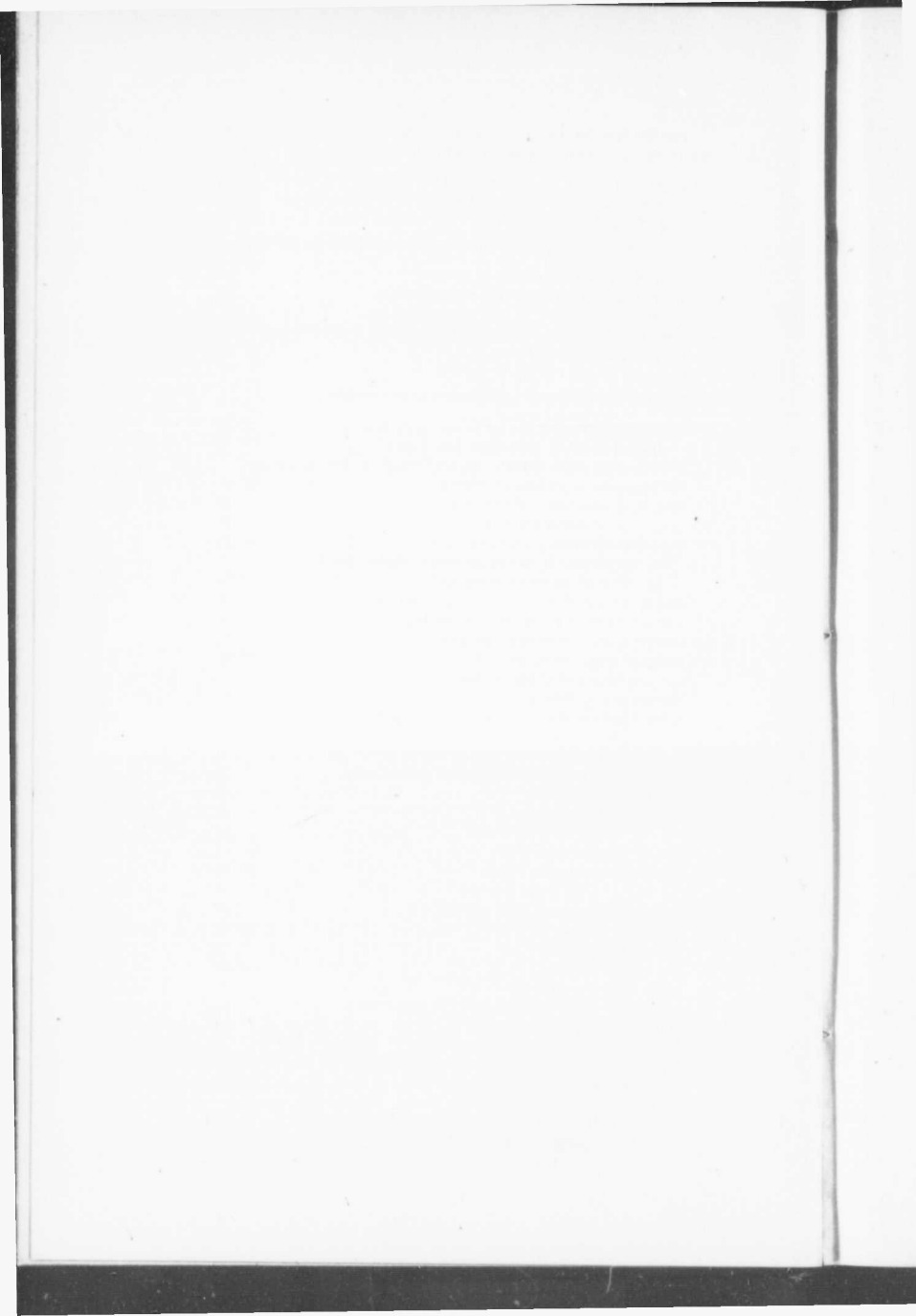


SPECIAL MEETINGS OF CONVOCATION— <i>See</i> MEETINGS OF CONVOCATION.	
form of summons for.....	45
how summoned.....	3
SPECIAL RELIEF— <i>See</i> SPECIAL CASES.	
in respect of admission, petitions for, stand referred to Legal Education Committee.....	5
articles, petitions for, stand referred to Legal Education Committee.....	5
call to the bar, petitions for, stand referred to Legal Education Committee.....	39
certificate of fitness, petitions for, stand referred to Legal Education Committee.....	37
examinations, petitions for, stand referred to, Legal Education Committee.....	5
fees, petitions for, stand referred to Finance Committee.....	5
service, petitions for, stand referred to Legal Education Committee.....	5
STANDING COMMITTEES— <i>See</i> COUNTY LIBRARIES, DISCIPLINE COMMITTEE, FINANCE COMMITTEE, LEGAL EDUCATION COMMITTEE, LIBRARY COMMITTEE, REPORTING COMMITTEE.	
election of, in Easter term.....	6
estimates of receipts and expenditures to be furnished by.....	10
hold office till successors appointed.....	6
meetings of, where held.....	6
number of members of.....	6
quorum at meetings of.....	6
Treasurer ex officio member of.....	6
vacancy in, how filled.....	6
STANDING CONVOCATION DAYS—	
call to the bar on any.....	34
holiday, in case day of meeting falls on, to be held next day..	2
meetings on.....	2
STRIKING OFF ROLLS— <i>See</i> COMPLAINTS, DISBARMENT, DISCIPLINE, PENALTIES, ROLLS, SOLICITORS, SUSPENSION.	
acting as professional agent of unqualified person, ground for.	100
certificate of order for, to be sent to the secretary.....	101
complaint may be made to Court for order for.....	100
the Law Society.....	22, 25
conduct unbecoming a solicitor, ground of order for.....	82
consequences of order for.....	23, 24
Court, jurisdiction of, for.....	82, 100
default in paying over moneys, ground for.....	100
grounds for:	
acting as professional agent for unqualified person.	100
allowing name to be used by unqualified person..	100
conduct unbecoming a barrister, solicitor,	
student-at-law or articled clerk.....	82
default in paying over moneys.....	100

STRIKING OFF ROLLS—Continued.

grounds for:

defect in articles, filing thereof, or service there- under	101
doing any act to enable an unqualified person to practise	100
professional misconduct	82
Judges to be notified by the secretary of order for	24
jurisdiction of Court for	82, 100
misconduct of solicitor, ground for	82, 100
name of solicitor to appear in law reports of order for	25
notice to be sent to Judges of order for	24
solicitor of order for	24
order for, consequences of	23, 24
Judges to be notified of, by the secretary	24
may be made by Supreme Court on resolution of Benchers	82
may be made by Supreme Court on complaint in summary way	100
name of solicitor to appear in Law Reports of	25
proceedings to be taken after	24, 101
to be certified by registrar of Court to the secretary	101
to be laid before Convocation by treasurer	24
order for restoring to rolls to be laid before Convocation	24
proceedings to be taken after order for	24, 101
professional agent of unqualified person, acting as, ground for	100
professional misconduct, ground of order for	82
registrar of Court to certify order for to the secretary	101
restoring to rolls after order for, order may be made for	82
order for, to be laid before Convocation	24
rights and privileges of solicitor suspended on order for	23, 24
secretary to notify Judges of order for	24
solicitor of order for	24
to be notified by registrar of Court of order for	101
solicitor to be notified of order for	24
solicitor's rights and privileges suspended on order for	23, 24
name to appear in Law Reports of order for	25
suspension of rights and privileges on order for	23, 24
treasurer to lay before Convocation order for	24
restoring to rolls	24
unqualified person, enabling to practise as solicitor, ground for	100
STUDENTS-AT-LAW—See ADMISSION OF STUDENTS, DISCIPLINE, EXAMINATIONS, LAW SCHOOL, LECTURES, SERVICE UNDER ARTICLES, STUDENTS' LIBRARIES.	
admission of	25, 26
fees for	43
forms for	45, 46, 47

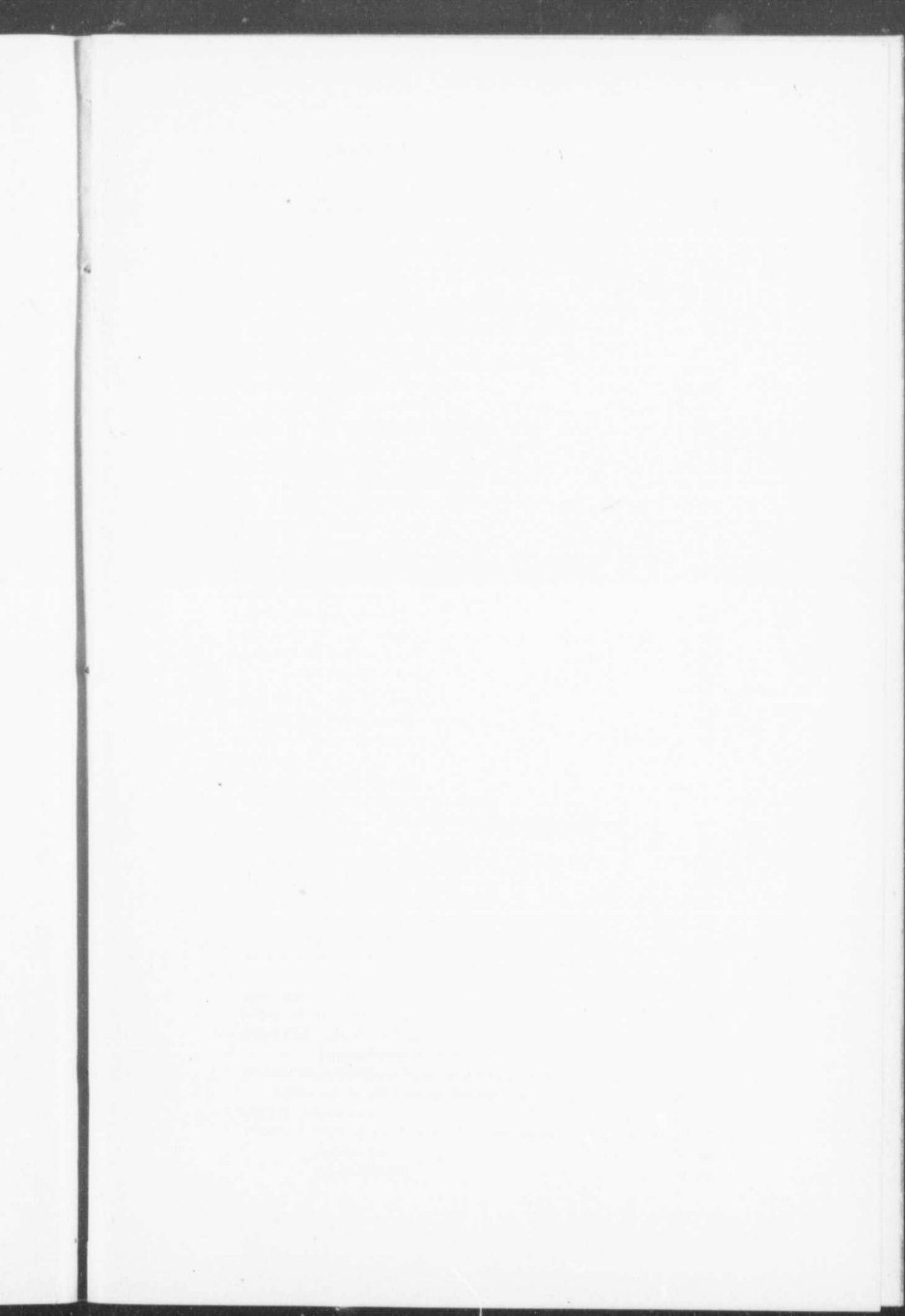




STUDENTS-AT-LAW—*Continued.*

admission of,	
qualification for	25, 26
special examination for	26
applications of, for admission	28
certificate of fitness, refusal of, for misconduct	82
clubs, may not establish	31
complaints against	22, 82
date of admission of	28
discipline of— <i>See</i> DISCIPLINE	22, 82
examination, refusal of for misconduct	82
for admission of	26
expulsion of, for misconduct	22, 82
fees of, on admission	43
call	43
for law school	43
lectures, must attend	30
library, may be established for, in county town	16
Phillips-Stewart, for, librarian of	7
use of, by	13
must complete each year before proceeding to the next	30
misconduct of, penalties for	24, 82
office of emolument, not to hold	28
Osgoode Hall, use of, by	13, 31
penalties for misconduct— <i>See</i> PENALTIES	82
reports, entitled to, on payment of \$15	20
roll of, known as the common roll, custody of	2
striking off for misconduct	82
to be kept in two parts, paper and parchment	2
rules may be made for special cases	81, 82
dispensed with	81
service of— <i>See</i> SERVICE UNDER ARTICLES	28
special cases, rules may be made for	81, 82
special relief— <i>See</i> SPECIAL RELIEF—petitions for, stand referred to Legal Education Committee	5
striking off books of the Society for misconduct	82
STUDENTS' LIBRARIES— <i>See</i> PHILLIPS-STEWART LIBRARY.	
books of, to be property of Society	17
books, what to be kept in	16, 19
conditions of, to be reported on by County Libraries Committee	17
Legal Education Committee to recommend	16
may be established in county towns	16
STUDENTS' ROLLS— <i>See</i> COMMON ROLL, ROLLS, STRIKING OFF ROLLS.	
custody of	2
striking name from, for misconduct	82
to be kept in two parts, paper and parchment	2
SUPPLEMENTAL EXAMINATIONS— <i>See</i> EXAMINATIONS.	
fees payable for, by third-year students	44

SUPPLEMENTAL EXAMINATIONS— <i>Continued.</i>	
notice to be given by students to secretary	33
time for, to be fixed by principal	32
when to be held	32
who may write at	33
SUPREME COURT OF CANADA— <i>See</i> JUDGES, LIBRARY REPORTS.	
reports of, when furnished to solicitors	20
SUPREME COURT OF ONTARIO— <i>See</i> CENTRAL OFFICE, COURT, DISCIPLINE, JUDGES, JURISDICTION, ORDER, REGISTRAR, REPORTS, SOLICITORS, VISITORS.	
central office of, articles and assignments to be filed in	93
list of solicitors to be posted in	98
Judges of, are visitors of the Society	1
entitled to Law Reports	20
may make rules under Solicitors Act	106
notice to be sent of order striking off rolls	24
retired are <i>ex officio</i>	74
to approve of rules	80, 81
jurisdiction of, in respect of solicitors	82, 91, 99, 100
to restore to practise	82
strike off rolls	82, 100
suspend	82, 83, 99
registrar of High Court Division of, certificate of admission to be signed by	97
notice of disbarment to be sent to	82
notice of resolution of Benchers that solicitor is unworthy to practise to be sent to	82
notice of suspension to be sent to	82
solicitors are officers of	91
SUPREME COURT REPORTS— <i>See</i> REPORTS.	
when furnished to solicitors	20
SUSPENSION— <i>See</i> COMPLAINTS, DISBARMENT, DISCIPLINE, PENALTIES, SOLICITORS, STRIKING OFF ROLLS.	
Benchers may order	24, 82
Court may order	82, 83, 99
conduct unbecoming a barrister, for	82
consequences of	24, 82
impeachment to disbar or expel, not precluded by	24
misconduct, for	82
notice of, to be sent to senior registrar	82
not to be entered on rolls of the Society	24
of barristers, for misconduct	24, 82
consequences of	24, 82
students, for misconduct	82
rights and privileges of solicitor on being struck off rolls	24





SUSPENSION—*Continued.*

order of restoration after, to be laid before Convocation	24
to be entered on journals of Convocation	24
may be made by Court	82
period of	24, 82, 99
to be fixed by order of Court	99
to be named in resolution of Benchers	82
professional misconduct, for	82
resolution of Benchers for, proceedings on	83
restoration to rolls after order of	24, 82
rolls, not to be entered on	24
solicitors under, may not practise	100
recover fees	100
solicitor, of, for misconduct	24, 82
consequences of	24, 82
for practising without certificate	99

TAXATION—*See* COSTS.TELEGRAPH—*See* MEETINGS.

notice of meeting may be given by	3
---	---

TERMS—*See* SESSIONS.

Benchers may abolish	80
meetings of Convocation in	3
of the Law School	30
Law Society	73

TESTIMONIALS—*See* SPECIAL CASES.

of character and conduct, form of	69
required in special cases	39, 40, 87, 93

TIME—

admission to the Society, of	27, 28
articles and assignments, for filing	93
call to the bar, for any standing Convocation day	34
fees, for payment of	33, 43, 98, 99
closing library, of	13
filing notice of call, for	34
papers for call to the bar, for	35
admission as solicitor	37, 95
articles and assignments, for	93
Law School course, of	29
sessions, of	30
meetings of Convocation, of	2
notice of call, for filing of	34
papers for call, for filing of	35
admission as solicitor	37, 95
passing matriculation examination to be not more than four years before application for admission	26, 27
paying annual fees	98, 99
service of British and Colonial barristers and solicitors	39, 20, 92
graduates	34, 86
matriculants	34, 86

TIME—*Continued.*

service under articles dates from admission to the Society...	96
spent in military service, may be allowed.....	96
supplemental examinations, of, to be fixed by principal.....	32

TORONTO UNIVERSITY—*See* ADMISSION OF STUDENTS, UNIVERSITY.

graduates of, admission of.....	25
matriculants of, admission of.....	26

TREASURER—*See* BENCHERS, CHAIRMAN OF CONVOCATION, CONVOCATION, OFFICERS.

chairman to be appointed in absence of.....	6
, powers of.....	7
election of.....	6, 74, 80
<i>ex officio</i> member of all Standing Committees.....	6
may summon special meetings.....	3
adjourn meetings.....	3
order striking solicitor off or restoring him to rolls, to lay before Convocation.....	24
term of office of.....	80
to announce special business.....	5
preside in Convocation.....	6
sign cheques.....	11
sign minutes of proceedings.....	4
vacancy in office of, how filled.....	7
secretary to notify Benchers of.....	7

TRUST COMPANY—*See* COSTS, SOLICITORS.

solicitor director, entitled to fees.....	111
---	-----

UNIVERSITY—*See* ADMISSION OF STUDENTS, GRADUATES, MATRICULATION.

British Dominions, in, graduates of, admission of.....	25, 26
Canadian, matriculation requirements of to be approved by Convocation.....	26
graduates of, admission of.....	25, 26, 86
matriculants of, admission of.....	25, 26
matriculation requirements of Canadian, to be approved by Convocation.....	26
McGill.....	25
Queen's.....	25, 86
Royal Military College.....	27, 86
Toronto, of.....	26, 27, 86

UNPROFESSIONAL CONDUCT—*See* COMPLAINTS, DISCIPLINE, DISCIPLINE COMMITTEE, PENALTIES, PROFESSIONAL MISCONDUCT.

complaints of, investigation of.....	22, 23
may be made to Court.....	82
Law Society.....	22, 25
penalties for.....	82

7

1

26

26

86

26

26

25

86

86

86

2, 23

82

2, 25

82

U

V

V

V

V

Vo

Vo

Vo

Vo

WE

UNQUALIFIED PRACTITIONERS—*See* DISCIPLINE, PENALTIES.

- complaints against, to be enquired into by secretary..... 25
- submitted to Discipline Committee..... 25
- guilty of contempt of Court..... 90
- may be imprisoned..... 100
- penalties against..... 90, 100
- solicitors not to act as agents of..... 100

VACANCY—

- in committees, when filled..... 6
- office of Bencher, how filled..... 4, 80
- salaried officers..... 4
- treasurer, when filled..... 7
- scrutineer, how filled..... 4

VACATION—

- hours of closing library in..... 13
- in sessions of the law school..... 30

VAN KOUGHNET, CHANCELLOR—*See* SCHOLARSHIPS.

- scholarship in memory of..... 38

VISITORS OF THE SOCIETY—*See* JUDGES.

- approbation of, required as to certain rules and forms... 80, 81
- of the Society, Judges of the Supreme Court are..... 73
- powers of, in matters of discipline, vested in Benchers..... 83

VOTERS—*See* ELECTION OF BENCHERS.

- alphabetical list of, to be made by secretary..... 76
- qualification of, for election of Benchers..... 75

VOTES—*See* BALLOT, ELECTION OF BENCHERS, QUORUM.

- equality of, at election of Benchers, procedure in case of... 77
- for election of Benchers, counting of..... 74
- how cast..... 76, 77
- may be present at, counting of, any elector..... 77
- of two-thirds of Benchers present, when necessary to authorize expenditures..... 10
- required to strike off the rolls..... 23

VOTING—

- for election of Benchers..... 75, 76, 77
- qualification of voters..... 75
- paper for, at election of Benchers..... 76
- form of..... 84
- when to be by ballot..... 4
- yeas and nays may be taken on any question..... 5

VOTING PAPER—

- at election of Benchers..... 76
- form of..... 84
- list of candidates to indicate who are Benchers..... 76

WEEKLY NOTES—*See* REPORTS.

- to be published under regulations of Convocation..... 21

WITNESSES—	
may be summoned by Convocation.....	80
Discipline Committee.....	22, 23
summons for attendance of.....	80
penalty for non-attendance.....	80
WOMEN—	
admission of.....	41
apparel of, on call to the Bar.....	42
rules may be made for admission of.....	81
WRITERS TO THE SIGNET— <i>See</i> SCOTCH SOLICITOR, SPECIAL CASES.	
admission of.....	39, 40, 92
YEAS AND NAYS—	
may be taken on any question.....	5
YORK LAW ASSOCIATION—	
annual grant to.....	17

