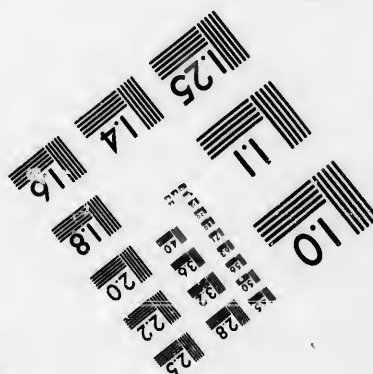
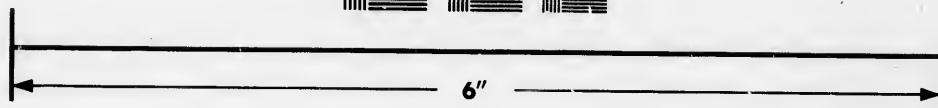
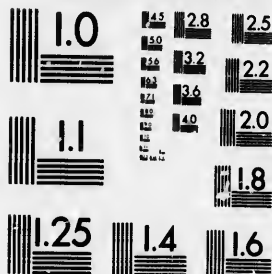


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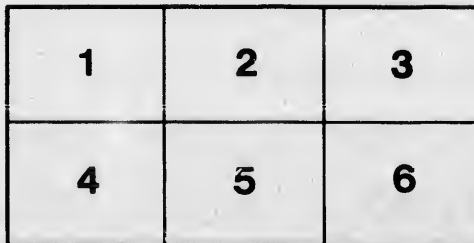
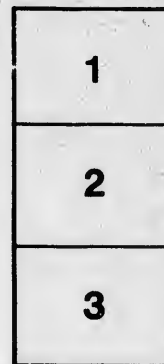
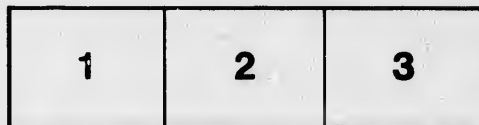
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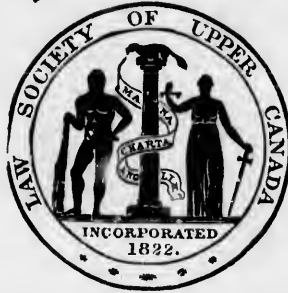
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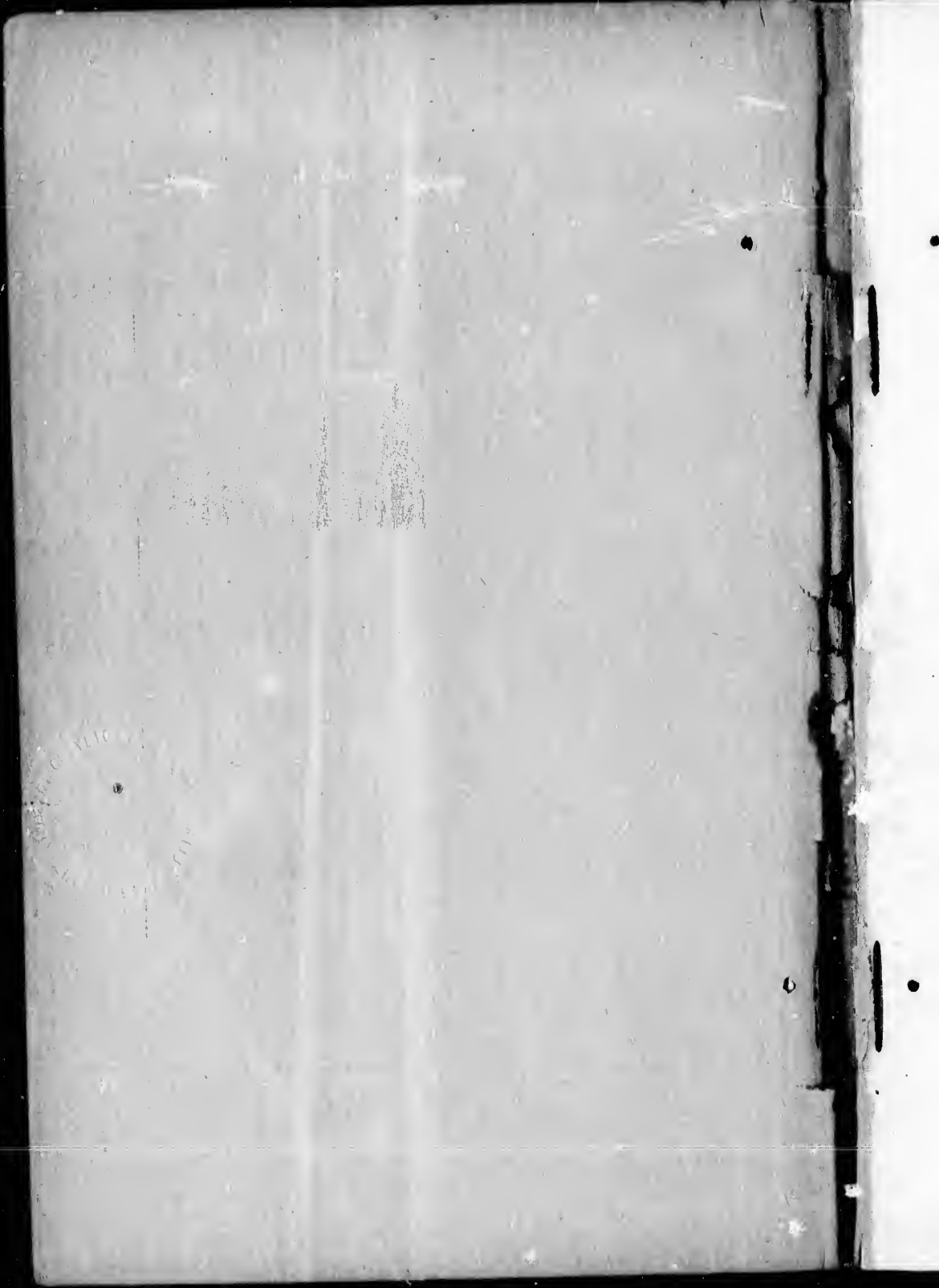
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**Law Society of Upper Canada.**

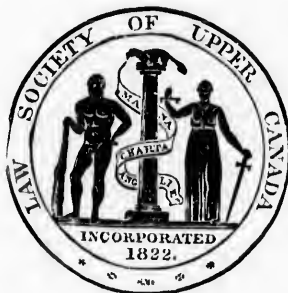
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CURRICULUM  
OF THE  
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## Law Society of Upper Canada.

### LEGAL EDUCATION COMMITTEE.

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JOHN HOSKIN, Q.C.	C. H. RITCHIE, Q.C.
Z. A. LASH, Q.C.	W. R. RIDDELL.
EDWARD MARTIN, Q.C.	C. ROBINSON, Q.C.
F. MACKELCAN, Q.C.	J. V. TEEZEL, Q.C.
COLIN MACDOUGALL, Q.C.	

### DIRECTIONS TO STUDENTS.

The conditions to be fulfilled, (except in special cases), in order to qualify any person for call to the Bar, and admission as a Solicitor, in the Province of Ontario, are as follows :

1. Admission to the Law Society of Upper Canada.
2. (a) In the case of a person desiring to become a Barrister only, attendance in a Barrister's chambers for a period of five years, if not a graduate, and three years if a graduate.  
(b) In the case of a person desiring to become a Solicitor, service under articles to some practising Solicitor for the like period.
3. Attendance at the Law School, Osgoode Hall, Toronto, during three terms by a student or clerk in attendance or under

121052

service in Toronto, and during two terms by one in attendance or under service elsewhere than in Toronto.

4. Passing three law examinations, First intermediate, Second intermediate, and Final examinations, respectively.

A few directions are here given under each of the above four heads, and on other matters; but for full particulars the student is referred to the rules, statutes, and forms following. These should be carefully perused. If, after doing so, he is still at a loss upon any point, he may obtain the necessary information by application, personally or by letter, to the secretary of the Law Society, Osgoode Hall, Toronto, if the matter be one relating to admission, articles, or otherwise not connected with the Law School, or to the Principal of the Law School, Osgoode Hall, Toronto, if the matter be one relating to the School.

#### ADMISSION TO THE LAW SOCIETY.

This is the first step towards entering upon the study of Law with a view to practising in the Province. Admission can be obtained only in Easter Term, which begins on the third Monday in May; and in Trinity Term, which begins on the second Monday in September; and only by persons of not less than sixteen years of age.

The necessary qualifications for admission to the Society are specified in Rules 132 and 135, and in Rule 134 (a), passed on June 6th, 1891, hereinafter printed, respecting admission of graduates of the Royal Military College.

The mode of obtaining admission, and the fees payable in respect thereof may be learned by reference to Rules 126 to 141 inclusive and the forms therein referred to.

A graduate seeking admission should, before the Term in which he seeks it, deposit with the Sub-Treasurer (the Secretary) of the Society his diploma, or a proper certificate of having received his degree along with his petition for admission, and the proper fees pursuant to Rule 139.

To meet the cases of those graduates who may not have been entitled to receive their diplomas in time for presentation before Easter Term, provision is made by Rule 133 for presenting their diplomas or certificates to Convocation at its meeting on the last Tuesday in June, and, thereupon, being admitted; such



admission to be taken to be as on the first Monday of Easter Term. It will be observed, however, that in order to take advantage of that Rule, the graduate must have previously given the prescribed notice of his intention to apply for admission.

One who has been admitted, and is pursuing the course necessary to qualify him for Call to the Bar, is designated a Student-at-Law. One who has been admitted, and is pursuing the course necessary to qualify him for admission as a Solicitor, is designated an Articled Clerk.

The proper blank forms relating to admission may be obtained from the Secretary.

#### SERVICE UNDER ARTICLES OF CLERKSHIP AND ATTENDANCE IN A BARRISTER'S CHAMBERS.

As soon after admission as possible, and some time before the last day of the term in which such admission has been obtained, the student who desires to become a Solicitor must enter into articles of clerkship to a practising solicitor for a period of three years, if he be a graduate, and for a period of five years if he be not a graduate.

A student desiring to become a Barrister, and not being an Articled Clerk, must attend in a Barrister's chambers during the like periods respectively. If he is an Articled Clerk, due service as such will answer in lieu of attendance in a Barrister's chambers.

In regard to articles of clerkship, and service thereunder, and attendance in a Barrister's chambers, the student is referred to Rules 142, 143, 144, and 158, to form M. of articles of clerkship, and form N. of assignment of articles, and also to the Act respecting Solicitors, R. S. O. (1887), cap. 147, particularly sections 3 and 5.

Articles and assignments thereof, after being executed, should not be sent to the Secretary of the Society, but must be filed with the Registrar of the Common Pleas Division of the High Court of Justice at Osgoode Hall within three months from the date of their execution in accordance with sub-section 2 of section 5 of the above Act.

Every affidavit of execution of articles or of any assignment thereof must state the *date of execution* of such articles or assignment.

During any school term which is duly attended by a Student-at-Law or Articled Clerk, he is not required to attend in chambers, or actually serve under articles; but the articles of every clerk should nevertheless cover the full period of three or five years as the case may be.

#### ATTENDANCE AT THE LAW SCHOOL.

This school was established on its present basis by the Law Society of Upper Canada in 1889, under the provisions of rules passed by the Society in the exercise of its statutory powers. It is conducted under the immediate supervision of the Legal Education Committee of the Society, subject to the control of the Benchers of the Society in Convocation assembled.

Its purpose is to secure as far as possible the possession of a thorough legal education by all those who enter upon the practice of the legal profession in the Province. To this end, with certain exceptions in the cases of students who had begun their studies prior to its establishment, attendance at the school, in some cases during two, and in others during three terms or sessions is made compulsory upon all who desire to be admitted to the practice of the Law.

The course in the school is a three years course. The term or session commences on the fourth Monday in September, and ends on the first Monday in May, with a vacation commencing on the Saturday before Christmas and ending on the Saturday after New Year's day.

Admission to the Law Society is ordinarily a condition precedent to attendance at the Law School. Every Student-at-Law and Articled Clerk before being allowed to enter the School must present to the Principal a certificate of the Secretary of the Law Society, shewing that he has been duly admitted upon the books of the Society and that he has paid the prescribed fee for the term.

Students, however, residing elsewhere, and desirous of attending the lectures of the School, but not of qualifying themselves to practise in Ontario, are allowed upon payment of the usual fee to attend the lectures without admission to the Law Society.

The students and clerks who are exempt from attendance at the Law School are the following:

1. All students and clerks attending in a Barrister's chambers, or serving under articles elsewhere than in Toronto, and who were admitted prior to Hilary Term, 1889, so long as they continue so to attend or serve elsewhere than in Toronto.

2. All graduates who on June 25th, 1889, had entered upon the second year of their course as Students-at-Law or Articled Clerks.

3. All non-graduates who at that date had entered upon the fourth year of their course as Students-at-Law or Articled Clerks.

Provision is made by Rules 164 (*g*) and 164 (*h*) for *election* to take the School course, by students and clerks who are exempt therefrom, either in whole or in part.

Attendance at the School for one or more terms, as provided by Rules 155 to 166 inclusive, is compulsory on all students and clerks not exempt as above.

A student or clerk who is required to attend the school during one term only, must attend during that term which ends in the last year of his period of attendance in a Barrister's chambers or service under articles, and may present himself for his final examination at the close of such term, although his period of attendance in chambers or service under articles may not have expired. In like manner, those who are required to attend during two terms, must attend during those terms which end in the last two years respectively of their period of attendance in chambers or service, as the case may be.

Those students and clerks, not being graduates, who are required to attend the first year's lectures in the School may do so, at their own option, either in the first, second, or third year of their attendance in chambers or service under articles, upon notice to the Principal.

The course during each term embraces lectures, recitations, discussions and other oral methods of instruction, and the holding of moot courts under the supervision of the Principal and Lecturers.

Friday of each week is devoted exclusively to moot courts, one for the second year students, and another for the third year students. The first year students are required to attend, and may be allowed to take part in, one or other of these moot courts. They are presided over by the Principal or the Lecturer whose

series of lectures is in progress at the time, and who states the case to be argued, and appoints two students on each side to argue it, of which notice is given at least one week before the day for argument. His decision is pronounced at the next moot court, if not given at the close of the argument.

At each lecture and moot court the roll is called, and the attendance of students carefully noted, and a record thereof kept.

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

Two lectures (one hour) daily in each year of the course are delivered on Monday, Tuesday, Wednesday and Thursday. The moot courts take the place of lectures on Friday. Printed schedules shewing the days and hours of all the lectures in the different subjects will be distributed among the students at the commencement of the term.

During his attendance in the School, the student is recommended and encouraged to devote the time not occupied in attendance upon lectures, recitations, discussions or moot courts, in the reading and study of the books and subjects prescribed for or dealt with in the course upon which he is in attendance. As far as practicable students will be provided with room and the use of books for this purpose.

The fee for attendance for each term of the course is \$25 payable in advance to the Sub-Treasurer, who is also the Secretary of the Law Society.

The Rules which should be read for information in regard to attendance at the Law School are Rules 154 to 167 both inclusive.

## EXAMINATIONS.

Every applicant for admission to the Law Society, if not a graduate, must have passed an examination according to the curriculum prescribed by the Society, and hereinafter printed under the designation of "The Matriculation Curriculum." This examination is not held by the Society. The applicant must have passed some duly authorized examination, and have been enrolled as a matriculant of some University in Ontario, before he can be admitted to the Law Society.

The three law examinations which every student and clerk must pass after his admission, viz., first intermediate, second intermediate, and final examinations, must, except in the case to be presently mentioned of those students and clerks who are wholly or partly exempt from attendance at the school, be passed at the Law School Examinations under the Law School Curriculum hereinafter printed, the first intermediate examination being passed at the close of the first, the second intermediate examination at the close of the second, and the final examination at the close of the third year of the school course respectively.

Any student or clerk who under the Rules is exempt from attending the School in any one or more of the three years of the school course, is at liberty, at his option, to pass the corresponding examination or examinations under the Law Society Curriculum, instead of doing so at the Law School Examinations under the Law School Curriculum, provided he does so within the period during which it is deemed proper to continue the holding of examinations under the said Law Society Curriculum as heretofore. It has already been decided that the first intermediate examination under that curriculum shall not be continued after January, 1892, and after that time therefore all students and clerks must pass their first intermediate examination at the examinations, and under the curriculum of the Law School, whether they are required to attend the lectures of the first year of the course or not. Due notice will be hereafter published of the discontinuance of the second intermediate and final examinations under the Law Society Curriculum.

The percentage of marks which must be obtained in order to pass an examination of the Law School is fifty-five per cent. of the aggregate number of marks obtainable, and twenty-nine per cent. of the marks obtainable upon each paper.

Examinations are also held in the week commencing with the first Monday in September, for those who were not entitled to present themselves for the earlier examination, or who having presented themselves failed in whole or in part.

Students, whose attendance upon lectures has been allowed as sufficient, and who have failed at the May examinations, may present themselves at the September examinations, either in all the subjects or in those subjects, only in which they failed to obtain fifty-five per cent. of the marks obtainable in such subjects. Those entitled, and desiring, to present themselves at the September examinations must give notice in writing to the Secretary of the Law Society, at least two weeks prior to the time of such examinations, of their intention to present themselves, stating whether they intend to do so in all the subjects, or in those only in which they failed to obtain fifty-five per cent. of the marks obtainable, mentioning the names of such subjects.

The time for holding the examinations at the close of the term of the Law School in any year may be varied from time to time by the Legal Education Committee, as occasion may require.

On the subject of examinations reference may be made to Rules 168 to 174 inclusive, and to the Act R. S. O. (1887,) ch. 147, secs. 7 to 10 inclusive.

#### HONOURS, SCHOLARSHIPS, AND MEDALS.

The Law School examinations at the close of the term include examinations for Honours in all the three years of the School course. Scholarships are offered for competition in connection with the first, and second intermediate examinations, and medals in connection with the final examination.

In connection with the intermediate examinations under the Law Society's Curriculum no examination for Honours is held, nor Scholarship offered. An examination for Honours is held, and medals are offered in connection with the final examination for Call to the Bar, but not in connection with the final examination for admission as Solicitor.

As proposed changes in regard to the numbers of scholarships and medals to be hereafter offered, and otherwise affecting the same, are at present pending for decision by the Benchers, it

is not thought advisable to print herein Rules 201 and 204 regulating that subject, but reference may be made to Rules 164 (*d*), and 196 to 205 inclusive, omitting 201, and 204.

#### CALL TO THE BAR AND ADMISSION AS SOLICITOR.

Call to the Bar, and admission as Solicitor are regulated by Rules 175 to 196 inclusive, and by the Acts R. S. O. (1887), cap. 146, and cap. 147 respectively.

Call and admission in special cases are provided for by Rules 206 to 213 (E.) inclusive, and by the Act 54 Vict. cap. 25, hereafter printed.

The notice required by Rule 176, to be given on or before the fourth Monday before term, by candidates for Call to the Bar, is not required to be given by candidates for admission as Solicitor (except in special cases), but both classes of candidates are required to file their papers with the Secretary, and pay their fees on or before the third Saturday before term, and any candidate failing to do so will be required to put in a special petition, and pay an additional fee of two dollars.

Candidates are also particularly requested to see *before* the first day of term that their papers are regular.

Any notice for final examination may be extended once so as to hold good for the next regular examination, provided a request to that effect is made to the Secretary before the day of the examination for which such notice has been given.

When the term of service of an Articled Clerk expires between the third Saturday before term and the last day of the term, he shall prove his service by affidavit and certificate up to the day on which he makes his affidavit only, and file a supplemental affidavit and certificate with the Secretary on the expiration of his term of service.

#### FEES.

The fees payable are stated in the resumé of fees contained in Rules 220 to 231 inclusive.

Attention is also drawn to Rule 232 passed on February 13th, 1891, and hereafter printed, in regard to the fees payable by students and clerks presenting themselves for the final examination before the expiration of the period of three or five years as the case may be, from the time of their admission to the Society.

## THE MATRICULATION CURRICULUM.

BOOKS AND SUBJECTS PRESCRIBED FOR THE  
EXAMINATIONS.

To be passed by persons not being graduates, in order to qualify them for admission to the Society.

## CLASSICS.

- |       |                            |                                    |
|-------|----------------------------|------------------------------------|
| 1891. | { XENOPHON, Anabasis, III. | { VIRGIL, Æneid, V.                |
|       | { HOMER, Iliad, VI.        | { CÆSAR, Bellum Gallicum, I, II.   |
| 1892. | { XENOPHON, Anabasis, III. | { VIRGIL, Æneid, I.                |
|       | { HOMER, Iliad, I.         | { CÆSAR, Bellum Gallicum, I, II.   |
| 1893. | { XENOPHON, Anabasis, IV.  | { VIRGIL, Æneid, I.                |
|       | { HOMER, Iliad, I.         | { CÆSAR, Bellum Gallicum, III, IV. |
| 1894. | { XENOPHON, Anabasis, IV.  | { VIRGIL, Æneid, II.               |
|       | { HOMER, Iliad, VI.        | { CÆSAR, Bellum Gallicum, III, IV. |
| 1895. | { XENOPHON, Anabasis, V.   | { VIRGIL, Æneid, II.               |
|       | { HOMER, Iliad, VI.        | { CÆSAR, Bellum Gallicum, V, VI.   |

Translation from English into Latin prose, involving a knowledge of Bradley's Arnold's, Exercises 1-24 inclusive, and 49-65 inclusive.

Translation from English into Greek prose, involving a knowledge of the first fifteen exercises in Abbott's, Arnold's Greek Prose Composition.

Translation at sight, with aid of vocabularies, of easy passages from Latin and Greek authors.

A paper on Latin and Greek grammar.

For practice in writing continuous Latin prose, candidates are recommended to study Simpson's Latin Prose, (Part I.)

## MATHEMATICS.

Arithmetic.

Algebra. (Elementary rules; easy factoring; highest common measure; lowest common multiple; square root; fractions; ratio; simple equations of one, two and three unknown quantities; indices; surds; easy quadratic equations of one and two unknown quantities.)

Euclid, Bk. I., II., III.



## ENGLISH.

1. Composition :—Nothing but an essay will be required ; this shall be dealt with, rather as a test of the candidate's power of English composition than as a proof of his knowledge of the subject written upon. Legible writing and correct spelling and punctuation will be regarded as indispensable, and special attention will be paid to the structure of sentences and paragraphs. The examiner will allow a choice of subjects, some of which must be based on the following selections, with which the candidate is expected to familiarize himself by careful reading :—
1891. { SCOTT, *Ivanhoe*.  
 { MACAULAY, *Warren Hastings*.
1892. { SCOTT, *Waverley*.  
 { RUSKIN, *Sesame and Lillies*.
1893. { SCOTT, *The Talisman*.  
 { IRVING, *The Sketch Book*.
1894. { SCOTT, *Quentin Durward*.  
 { BLACK, *Goldsmith (English Men of Letters Series)*.
1895. { SCOTT, *Kenilworth*.  
 { GOLDWIN SMITH, *Cowper (English Men of Letters Series)*.
2. Grammar and Rhetoric :—The examination will be chiefly on passages not prescribed. A liberal choice of questions will be allowed to the candidate.
3. Poetical Literature :—Intelligent comprehension of and familiarity with the prescribed texts will be required :—
1891. LONGFELLOW : *Hymn to the Night, A Psalm of Life, The Day is Done, Evangeline, Resignation, The Builders, The Ladder of St. Augustine, The Warden of the Cinque Ports, The Fiftieth Birthday of Agassiz, The Village Blacksmith, The Arsenal at Springfield, The Bridge, King Robert of Sicily, The Birds of Killingworth, The Bell of Atri, From My Arm-Chair, Auf Wiedersehen*.
1892. TENNYSON : *The May Queen, "You ask me why," "Of Old Sat Freedom," "Love Thon Thy Land," Loeksley Hall, Ulysses, St. Agnes, Sir Galahad, Enid, The Revenge, In the Children's Hospital*.
1893. WORDSWORTH : (*Arnold's Selections*) : *Reverie of Poor Susan, We are Seven, Tintern Abbey, Lucy Gray, The Fountain, Michael, Heart-Leap Well, To the Daisy, To a Highland Girl, Stepping Westward, The Solitary Reaper, At the Grave of Burns, At the Residence of Burns, To the Cuckoo, Fidelity, Peel Castle, French Revolution, Ode to Duty, Intimations of Immortality, The Happy Warrior, Resolution and Independence, Yarrow Visited, To a Sky-Lark, A Poet's Epitaph, and Sonnets 3, 6, 17, 19, 20, 23, 24, 25, 26, 29*.
1894. SCOTT : *Lady of the Lake*.
1895. TENNYSON :—*Recollections of the Arabian Nights, The Poet, The Lady of Shalott, The Lotus-Eaters, Morte d'Arthur, The Day-Dream, The Brook, The Voyage, The Holy Grail*.

## HISTORY AND GEOGRAPHY.

- Great Britain and her colonies from the revolution of 1688 to the peace of 1815, and the Geography relating thereto.
- Outlines of Roman history to the death of Augustus, and Geography relating thereto.
- Outlines of Greek history to the battle of Chaeronea, and the Geography relating thereto.

## OPTIONAL SUBJECTS INSTEAD OF GREEK.

- (a) French and German.
- or (b) French, and either Physics or Chemistry.
- or (c) German, and either Physics or Chemistry, as follows :

## PHYSICS.

An Experimental course in (a) Dynamics, (b) Heat, (c) Electricity, including an acquaintance with the Metric System of Units. The courses are defined as follows :

Dynamics : Definitions of velocity, acceleration, mass, momentum, force, moment, couple, energy, work, centre of inertia ; statement of Newton's laws of motion ; composition and resolution of forces ; conditions for equilibrium of forces in one plane.

Definitions of a fluid, fluid pressure at a point, transmission of fluid pressure, resultant fluid pressure, specific gravity, Boyle's law, the barometer, air pump, water pump, siphon.

Heat : Effects of heat ; temperature ; diffusion of heat ; specific heat ; latent heat ; law of Charles.

Electricity : Voltaic cells ; chemical action in the cell ; magnetic effect of the current ; chemical effect of the current ; galvanometer ; voltmeter ; Ohm's law ; heating effect of the current ; electric light ; current induction : dynamo and motor ; electric bell ; telegraph ; telephone.

## CHEMISTRY.

Definition of the object of the science, relations of the physical sciences to Biology, and of Chemistry to Physics. Chemical change, elementary composition of matter. Laws of combination of the elements, atomic theory, molecules, Avogadro's Law. The determination of atomic weight, specific heat, atomic heat, nomenclature, classification. The preparation, characteristic properties, and principal compounds of the following elements : Hydrogen, Chlorine, Bromine, Iodine, Oxygen, Sulphur, Nitrogen, Phosphorus, Carbon, Silicon.

## FRENCH.

Grammar.

Composition :—(a) Translation into French of short English sentences as a test of the Candidate's knowledge of grammatical forms and structure, and the formation in French of sentences of similar character; and (b) translation of easy passages from English into French.

Translation of unspecified passages from easy French authors.

An examination on the following texts :

1891. { ENAUDT, Le Chien du Capitaine.  
      \ DAUDET, La Belle Nivernaise.
1892. { SARDOU, La Perle noire, (the romance.)  
      \ DE MAISTRE, Voyage autour de ma chambre.
1893. { DE PEYREBRUNE, Les Frères Colombe.  
      \ FEUILLET, La Fée (the comedy).
1894. { ENAUDT, Le Chien du Capitaine.  
      \ DAUDET, La Belle Nivernaise.
1895. { SARDOU, La Perle noire (the romance).  
      \ DE MAISTRE, Voyage autour de ma chambre..

## GERMAN.

Grammar.

Composition :—(a) Translation into German of short English sentences as a test of the candidate's knowledge of grammatical forms and structure, and the formation in German of sentences of similar character; and (b) translation of easy passages from English into German.

Translation of unspecified passages from easy German authors.

An examination on the following texts :—

1891. { RIEHL, Culturgeschichtliche Novellen : Der stumme Rat-  
      \ sher ; Der Dachs auf Lichtmess ; Der Leib medicus.  
      \ SCHILLER, Der Taucher.
1892. { HAUF, Das kalte Herz ; Khalif Storch.  
      \ SCHILLER, Die Bürgschaft.
1893. { RIEHL, Culturgeschichtliche Novellen : Der stumme Rat-  
      \ sherr ; Der Dachs auf Lichtmess ; Der Leibmedicus.  
      \ SCHILLER, Der Taucher.
1894. { HAUF, Das kalte Herz ; Khalif Storch.  
      \ SCHILLER, Die Bürgschaft.
1895. { RIEHL, Culturgeschichtliche Novellen : Der stumme Rat-  
      \ sherr , Der Dachs auf Lichtmess ; Der Leibmedicus.  
      \ SCHILLER, Der Taucher.

## THE LAW SCHOOL CURRICULUM.

*Principal*, W. A. REEVE, M.A., Q.C.

*Lecturers*: { E. D. ARMOUR, Q.C.  
A. H. MARSH, B.A., LL.B., Q.C.  
R. E. KINGSFORD, M.A., LL.B.  
P. H. DRAYTON.

*Examiners*: { FRANK J. JOSEPH, LL.B.  
A. W. AYTOUN-FINLAY, B.A.  
M. G. CAMERON.

## FIRST YEAR.

*Contracts.*

Smith on Contracts  
Anson on Contracts.

*Real Property.*

Williams on Real Property, Leith's edition.  
Deane's Principles of Conveyancing.

*Common Law.*

Broom's Common Law.  
Kerr's Student's Blackstone, Books 1 and 3.

*Equity.*

Snell's Principles of Equity.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

## SECOND YEAR.

*Criminal Law.*

Kerr's Student's Blackstone, Book 4.  
Harris's Principles of Criminal Law.

*Real Property.*

Kerr's Student's Blackstone, Book 2.  
Leith & Smith's Blackstone.

*Personal Property.*

Williams on Personal Property.

*Contracts.*

Leake on Contracts.

*Torts.*

Bigelow on Torts—English Edition.

*Equity.*

H. A. Smith's Principles of Equity.

*Evidence.*

Powell on Evidence.

*Canadian Constitutional History and Law.*

Bourinot's Manual of the Constitutional History of Canada.

O'Sullivan's Government in Canada.

*Practice and Procedure.*

Statutes, Rules, and Orders relating to the jurisdiction, pleading, practice, and procedure of the Courts.

*Statute Law.*

Such Acts and parts of Acts relating to the above subjects as shall be prescribed by the Principal.

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THIRD YEAR.

*Contracts.*

Leake on Contracts.

*Real Property.*

Clerke & Humphrey on Sales of Land.

Hawkins on Wills.

Armour on Titles.

*Criminal Law.*

Harris's Principles of Criminal Law.

Criminal Statutes of Canada.

*Equity.*

Underhill on Trusts.

Kelleher on Specific Performance.

De Colyar on Guarantees.

*Torts.*

Pollock on Torts.  
Smith on Negligence, 2nd ed.

*Evidence.*

Best on Evidence.

*Commercial Law.*

Benjamin on Sales.  
Smith's Mercantile Law.  
Chalmers on Bills.

*Private International Law.*

Westlake's Private International Law.

*Construction and Operation of Statutes.*

Hardeastle's construction and effect of Statutory Law.

*Canadian Constitutional Law.*

British North America Act and cases thereunder.

*Practice and Procedure.*

Statutes, Rules, and Orders relating to the jurisdiction, pleading, practice, and procedure of the Courts.

*Statute Law.*

Such Acts and parts of Acts relating to each of the above subjects as shall be prescribed by the Principal.

## THE LAW SOCIETY CURRICULUM.

*Examiners:* { FRANK J. JOSEPH, LL.B.  
A. W. AYTOUN-FINLAY, B.A.  
M. G. CAMERON.

BOOKS AND SUBJECTS PRESCRIBED FOR EXAMINATIONS OF STUDENTS AND CLERKS WHOLLY OR PARTLY EXEMPT FROM ATTENDANCE AT THE LAW SCHOOL.

## FIRST INTERMEDIATE.

Williams on Real Property, Leith's edition; Smith's Manual of Common Law; Smith's Manual of Equity; Anson on Contracts; the Act respecting the Court of Chancery; the Canadian Statutes relating to Bills of Exchange and Promissory notes; and Cap. 123, Revised Statutes of Ontario, 1887, and amending Acts.

## SECOND INTERMEDIATE.

Leith's Blackstone, 2nd edition; Greenwood on Conveyancing, chaps. on Agreements, Sales, Purchases, Leases, Mortgages, and Wills; Snell's Equity; Broom's Common Law; Williams on Personal Property; O'Sullivan's Manual of Government in Canada, 2nd edition; the Ontario Judicature Act; R. S. O., 1887, cap. 44; the Rules of Practice, 1888, and Revised Statutes of Ontario, chaps. 100, 110, 143.

## FOR CERTIFICATE OF FITNESS.

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

## FOR CALL.

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

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

## RULES OF THE LAW SOCIETY OF UPPER CANADA

Which are of special importance to Students-at-law and Articled Clerks, and those intending to become such.

### ADMISSION.

The mode of admission upon the books of the Society of Students-at-Law and Articled Clerks, shall be as follows :

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

127. Three of the said committee shall be a quorum for the transaction of business.

128. Students-at-Law and Articled Clerks shall be admitted during Easter and Trinity Terms only.

129. No person shall be admitted as a Student-at-Law or as an Articled Clerk, who is not of the full age of sixteen years.

130. Notice of the intention of any person to apply for admission as a Student-at-Law or as an Articled Clerk, signed by a Benchler, and containing the name, addition and family residence of the candidate, must be delivered to the Secretary of the Society at his office in Osgoode Hall, on or before the fourth Monday preceding the term in which he seeks admission. (See Form B. in the Appendix.)

131. The Secretary shall, as soon as the time for receiving notices has expired, make out two lists containing the names, additions, and family residences of all the candidates, for whose admission notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in the Convocation Hall.

132. A graduate in the Faculty of Arts, in any University in Her Majesty's Dominion empowered to grant such degrees, shall be entitled to admission on the books of the Society as a Student-at-Law or Articled Clerk without further examination by the Society, upon giving the said notice, and paying the pre-



scribed fees, and presenting his diploma or a proper certificate of his having received his degree.

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

134. The notice required by Rules 132 and 133 may be given within three months prior to the graduate taking his degree.

134 (a) A cadet of the Royal Military College who has received his diploma of graduation shall be entitled to be admitted on the books of the Society as a Student-at-Law or Articled Clerk, 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. (June 6th, 1891.)

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

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

137. Personal attendance of any applicant for admission as a student or clerk shall be dispensed with.

138. The candidate must be presented by a writing, signed by a barrister of the Ontario Bar, in a form approved by Convocation. (See Form C. in Appendix.)

139. Every candidate for admission shall, some convenient time previous to the term in which he seeks admission, deposit with the Sub-Treasurer at Osgoode Hall, his presentation and the

amount of fees payable on admission, together with his petition for admission, which presentation and petition respectively shall be in the terms, and shall contain the information, required by the forms C and D contained in the Appendix ; and every candidate for admission as Articled Clerk only, shall do the like ; his forms of presentation and petition however are to be varied to suit his case.

140. The first day of term shall be taken to be the admission day of Students-at-Law and Articled Clerks who have been reported as admitted by the committee during such term, although the report may not have been presented to Convocation upon the first day of the term.

141. The fees payable shall be as follows : With notice of intention to apply for admission, one dollar ; on presentation for admission as Student-at-Law, fifty dollars, and as Articled Clerk, forty dollars.

(a) Any person who has been admitted as an Articled Clerk on subsequently, within five years thereafter, applying for admission as Student-at-Law, shall pay, instead of fifty dollars, the sum of ten dollars.

#### SERVICE.

142. 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, but this Rule shall not apply to any such student who was admitted prior to Hilary Term 1889.

143. The term of attendance or of service under articles shall be effectual only from the date of admission.

144. No person attending in the chambers of a Barrister in pursuance of Rule 142, shall, during his term of attendance, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of student in attendance, and no person bound by articles of clerkship to any Solicitor, shall, during the term of service mentioned in such articles, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his part-

ner, or partners (if any) and his Toronto agent, with the consent of such Solicitors, in the business, practice or employment of a Solicitor. (For Form of Articles of Clerkship, see Appendix M.)

#### THE LAW SCHOOL.

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

146. The Law School established in Michaelmas Term, 1881, is continued upon the basis established by these rules.

147. 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) Not less than two Lecturers. (c) Three Examiners.

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

149. 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.

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

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

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

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

154. The school term shall commence on the fourth Monday in September, and shall close on the first Monday in May; with a vacation commencing on the Saturday before Christmas and ending on the Saturday after New Year's-day.

155. A student must complete the course of study of the first year, and pass the examination thereon at the close of the school term, before he enters on the second year; and must complete the course of study of the second year, and pass the examination thereon at the close of the school term, before he enters on the third year.

156. Subject to the special provisions hereinafter contained respecting Students-at-Law and Articled Clerks now on the books, the attendance in the school shall be compulsory, as follows: All Students-at-Law or Articled Clerks must, during the last two years of their attendance in chambers or service under articles, attend the school terms in the second and third years of the school course respectively. Students-at-Law or Articled Clerks who, during the last three years of their attendance or service, are in attendance or under service in Toronto during three school terms, must attend in the school during such terms, the school years being taken in consecutive order of first, second, and third years. In the case of graduates the last three years of attendance or service shall mean the whole three years of attendance or service.

156 (a). Any Student-at-Law or Articled Clerk not being a graduate who under Rule 156 is subject to attend the school during three years may at his option take the first year of his course during the first or second year of his attendance or service, upon giving notice of his intention to the Principal at least one week before the commencement of the session.

157. 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 or Articled Clerk upon such course of instruction and lectures shall be accepted in lieu of the like attendance upon the first year of the school course.

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

159. Each Student-at-Law and Articled Clerk shall pay in advance a fee of \$25 for each term of the course which he shall attend.

160. All Students-at-Law and Articled Clerks who are graduates, and who, at the date of the coming into force of these Rules, have entered upon the second year of their course, shall be exempt from the operation of these Rules in so far as they require attendance in the school.

161. All Students-at-Law and Articled Clerks, who are graduates, and who, at the date of the coming into force of these Rules, have not entered upon the second year of their course, shall attend at least one term in the school, in the third year of the school course.

162. All Students-at-Law and Articled Clerks who are not graduates, and who, at the date of the coming into force of these Rules, shall have entered upon the fourth year of their course, shall be exempt from the operation of these Rules in so far as they require attendance in the school.

163. All Students-at-Law and Articled Clerks in attendance or under service in Toronto, who are not graduates, and who, at the date of the coming into force of these Rules, are in the third year of their course, shall attend at least one term in the school, in the third year of the school course.

164. All students-at-Law and Articled Clerks in attendance or under service in Toronto, who are not graduates, and who, at the date of the coming into force of these Rules, are in the second year of their course, shall attend at least two terms in the school in the second and third years respectively of the school course.

164 (d). Honours and Scholarships in connection with Intermediate Examinations shall be awarded only in connection with the Law School Examinations held at the close of the school term.

164 (g). Students-at-Law and Articled Clerks who are exempt from attendance at the Law School, either in whole or in part,

may elect to attend the Law School and pass the examinations thereof in lieu of passing the examinations under the existing Curriculum applicable to students and clerks, so exempt in whole or in part, as aforesaid; such election shall be made in writing signed by the student or clerk, addressed to the Principal of the Law School, and deposited with him when producing the Secretary's receipt for payment of the Law School fees for the first term to be attended, in conformity with such election, and after such election the student or clerk so electing shall be bound to attend the Law School and pass the examination thereof in the same manner as if originally bound to attend the Law School and pass the examinations thereof.

164 (*h*). Students-at-Law and Articled Clerks who shall elect to attend the Law School as provided in Rule 164 (*g*), and who would be entitled to present themselves for their first or second intermediate examination, or for their final examination, as the case may be, in any term during any school year term, or before Michaelmas Term then next ensuing, shall, upon proof of such attendance, and of passing the examinations prescribed for the first or second intermediate examination, or final examination (as the case may be), at the close of such school term, or at the examinations thereof, commencing with the first Monday in September, be allowed such examination in lieu of their first or second intermediate or final examination, as the case may be.

Provided, nevertheless, that no Student-at-Law or Articled Clerk shall be called to the Bar, or admitted, unless after the expiration of the period of service under articles or attendance in chambers, as the case may be.

165. All Students-at-Law and Articled Clerks in attendance or under service elsewhere than in Toronto, and who were admitted prior to Hilary Term, 1889, shall be exempt from the operation of these Rules in so far as they require attendance in the school.

166. All other Students-at-Law and Articled Clerks shall be subject to these Rules.

167. Any Student-at-Law or Articled Clerk may attend any term in the school, upon payment of the prescribed fees.

## EXAMINATIONS.

168. Examinations shall be held during the two weeks which commence on the first Monday in May, and during the week which commences on the first Monday in September. Such examinations shall include the work of the school during the preceding school term, and such other subjects as may be prescribed.

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

170. The Legal Education Committee shall superintend all examinations.

171. The committee shall have power to arrange examinations for Students-at-Law and Articled Clerks now on the books of the society, and by these Rules exempted from attendance in the school in whole or in part, so as to enable them to proceed to Call and admission as heretofore.

172. The committee shall, on the first day of term next after any examination, report to Convocation the result of such examination, specifying the names of those who have passed, and those who have been rejected, and the order in which those passed have been classed ; and such report shall be final.

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

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

## CALL AND CERTIFICATE.

The rules regulating Call to the Bar and admission as Solicitor, shall be as follows :

175. 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.

175. (a) Every cadet of the Royal Military College who has received his diploma of graduation shall be entitled to be called to the Bar, and to be admitted and enrolled as a Solicitor, after the like period of service, and on and subject to the like terms and conditions, as, are, or shall for the time being, be applicable to a graduate in the Faculty of Arts. (June 6th, 1891.)

175. (b) The provisions of these Rules shall apply retrospectively so as to entitle any such cadet who has heretofore been admitted on the books of the Society, and has not yet been called to the Bar, or admitted and enrolled as a Solicitor, to apply to be so called or admitted and enrolled after the like period of service as is required in the case of graduates in the Faculty of Arts. (June 6th, 1891.)

176. Every candidate for Call to the Bar, must cause a written notice in the form approved by the Society, signed by a Benchler, of his intencion to present himself for Call, to be given to the Secretary at his office in Osgoode Hall, on or before the fourth Monday preceding the term in which he intends so to present himself. (Appendix F.)

177. 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 Convocation Hall.

178. The Secretary shall, on the first day of term, make a report in writing to Convocation, stating—

- (1) That notice of presentation has been properly given for the candidate.
- (2) The date of admission of the candidate.
- (3) Whether the candidate was admitted as a graduate or matriculant, and



- (4) That the intermediate examinations have been passed by the candidate, giving the dates thereof.

179. Every candidate for Call to the Bar must be presented to Convocation by an instrument in writing, signed by a Barrister of Ontario (see form G in Appendix), and shall, previous to his Call to the Bar, give a bond to the corporation in the penal sum of four hundred dollars, with two responsible sureties to be approved of by the Sub-Treasurer, with a condition in the terms and to the effect of form H and with a certificate in the form I, contained in the Appendix.

180. Every candidate shall, on or before the third Saturday preceding the term in which he desires to be called, deposit with the Sub-Treasurer his bond presentation, and also his petition for Call (Appendix J), which petition shall contain a statement of his age, of the day on which the period of his standing on the books, necessary to entitle him to be called to the Bar, expired or will expire, the intermediate examinations he has passed, and the names of the persons under whose superintendence he has received his professional education, according to the form J contained in the Appendix, and shall also, at the same time and place, deposit the amount of fees payable on being called.

181. The Sub-Treasurer's receipt for such fees shall be sufficient to entitle the candidate to appear before the examiners, and to be by them examined for Call, although the period of standing on the books entitling such candidate to present himself shall not expire until a date during the ensuing term.

182. Every candidate for Call to the Bar who has not served under articles shall, with his petition for Call, leave with the Sub-Treasurer of the Society at Osgoode Hall, answers to the several questions set forth in Schedule "A" of this Rule, and also answers to the questions set forth in Schedule "B" of this Rule, signed by the Barrister in whose chambers such candidate has attended in pursuance of Rule 142, together with the certificate in the said last mentioned-Schedule also contained.

*Schedule "A."*

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 attendanee, been engaged or concerned in any profession, business, or employment other than your professional employment as student in attendanee.

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?

*Schedule "B."*

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 attendanee?

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.

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

184. In case any such candidate at the time of leaving his petition and papers with the Sub-Treasurer of the Society as hereinbefore provided, proves to the satisfaction of the said Sub-Treasurer, that it has not been in his power to procure the answers to the questions contained in the said Schedule "B" from the Barrister in whose chambers he may have attended during any part of the time, or the certificate therein also contained, the said Sub-Treasurer shall state such circumstances specially in his report to Convocation on such candidate's petition.

185. Every member of the Society on the Common Roll being a candidate for Call to the Bar shall, when passed, be admitted to the Degree of Barrister in the order of his precedence on the Common Roll, unless Convocation, at the time of his examination being passed, otherwise order, and 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.

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

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

188. All applications for Certificates of Fitness for admission as a Solicitor shall be by petition (Appendix L), 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, or under the Rules of the Courts, or those of the Society, shall be left with the Sub-Treasurer of the Society at Osgoode Hall, on or before the third

Saturday next before the term in which such petition is to be presented, and the Sub-Treasurer's receipt for such fees shall be sufficient authority to the Examiners to examine the applicant, although the term of service of such applicant shall not expire until a date during the ensuing term.

189. Every candidate for a Certificate of Fitness as a Solicitor, and every candidate for Call to the Bar only, who has served under articles in pursuance of Rule 142, shall, with his petition for Certificate or Call, as the case may be, leave with the Sub-Treasurer of the Society at Osgoode Hall, answers to the several questions set forth in Schedule "A" of this Rule, and also answers to the questions set forth in the Schedule "B" of this Rule, signed by the Solicitor with whom such candidate has served his clerkship, together with the certificate in the said last mentioned Schedule also contained.

*Schedule "A."*

The following questions are to be answered by the clerk himself :

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

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

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

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

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

*Schedule "B."*

The following questions are to be answered by the Solicitor or his agent with whom the clerk may have served any part of the time under his articles ?

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

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

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

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

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

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

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

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

192. The Secretary shall report upon the petition of every candidate for Certificate of Fitness, and such report, together with the petitions and documents to which they refer, shall be laid on the table of Convocation on the first day of term; he shall also make a supplementary report upon the articles of clerkship when received by him, of applicants, either for Certificates of Fitness or for Call only, whose term of service expires during term.

193. In the computation of time entitling students or Articled Clerks to pass examinations to be called to the Bar or receive Certificate of Fitness, examinations passed before or during term shall be construed as passed at the actual date of the examination, or as of the first day of term, whichever shall be most favourable to the student or clerk.

194. Any person who, having entered the society as a Student-at-Law, has proceeded regularly to the degree of Barrister-at-Law, and who thereafter serves under articles for the full Term during which he would, if an Articled Clerk only, have been required to serve, shall, upon completing his articles, and petitioning under the foregoing Rules for a Certificate of Fitness, be entitled to have allowed to him the intermediate examinations passed by him when proceeding to the degree of Barrister-at-Law.

195. Applicants for Certificates of Fitness of the class contemplated by section 4 of chapter 147, of the Revised Statutes of Ontario, shall be examined on the statute laws of the Province of Ontario, including the Judicature Act, and the Consolidated Rules of Practice, before a committee of Benchers to be appointed by Convocation; and, upon passing such examination, they shall be reported to the High Court of Justice as having passed an examination in pursuance of the said section; and such applicants may apply to Convocation to be allowed to pass such examination before applying to the court to be admitted as Solicitors; and the fees payable by such applicants shall be the same as those payable by applicants for Certificates of Fitness who come up in the ordinary way.

#### HONOURS, SCHOLARSHIPS, AND MEDALS.

The Rules regulating Honours, Scholarships, and Medals, shall be as follows:

196. The candidates who obtain at least three-fourths of the marks obtainable on the papers at either of the intermediate examinations, and at least one-third of the marks obtainable on the paper on each subject, shall be entitled to present themselves for a further examination for Honours and Scholarships on the same subjects, embracing the same number of questions, with the same aggregate value of marks obtainable in each subject.

197. For each of the Honour and Scholarship examinations, a paper of questions shall be prepared by each of the Examiners, and they shall so manage and regulate the other details of the examinations as to secure the objects of the examinations, and the obtaining of the best and truest tests of the qualifications of candidates for the standing Honours or Scholarships to be awarded.

198. The candidates obtaining at least three-fourths of the aggregate marks obtainable on the papers in both the pass and Honour examinations, and at least one-half of the aggregate marks obtainable on the papers in each subject on both examinations, shall be passed with honours, and each candidate so passed shall receive a diploma certifying to the fact.

199. Those only who are Students-at-Law or Articled Clerks 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.

200. Whenever a candidate for honours in the intermediate examinations is both a Student-at-Law and an Articled Clerk, the first day of the term on which he 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.

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

203. The persons obtaining at least three-fourths of the aggregate number of marks obtainable on the papers in both the

pass and the honour examinations for Call, and at least one-half of the aggregate marks obtainable on the papers in each subject in both examinations, shall be called with honours, and the diploma of each person so called shall certify to his Call with honours.

CALL OF BARRISTERS IN SPECIAL CASES.

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

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

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

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

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

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

(2) That he was duly admitted and enrolled, and has been in actual practice, as an Attorney or Solicitor, as mentioned in subsection 1 of Rule 206 ; and that he still remains duly enrolled as such, and in good standing ; and that since his admission as aforesaid no adverse application has been made to any Court or Courts to strike him off the Roll of any Court, or otherwise to dis-



qualify him from practice as such Attorney or Solicitor, and that no charge is pending against him for professional or other misconduct.

(3) Or that he was duly called to and is still a member in good standing of the Bar, as mentioned in sub-sections 2 and 3 of Rule 206, and that since his Call no adverse application has been made to disbar or otherwise disqualify him from practice at the Bar of which he claims to be a member, and that no charge is pending against him for professional or other misconduct.

(4) That he has passed the examination hereinafter prescribed.

208. An Attorney or Solicitor on the Rolls of any of the Courts mentioned in the said sub-section 1 of Rule 206 shall be examined with the ordinary candidates for Call in the subjects prescribed for the Final examination.

209. A Barrister, as mentioned in sub-sections 2 and 3 of Rule 206, shall pass such examination as may be prescribed at the time of his application, and a Solicitor of the Supreme Court of Judicature for Ontario, in good standing, who has been practicing his profession in this Province for ten years prior to the first day of July, 1889, shall pass such examination as may be prescribed at the time of his application.

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

#### ADMISSION OF SOLICITORS IN SPECIAL CASES.

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

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

(2) Any person who has been duly admitted and enrolled as a Solicitor of the Supreme Court of Judicature in England, or as a Solicitor of the Court of Judicature in Ireland, or as a Writer to the Signet or a Solicitor in the Superior Courts of Scotland, or as

an Attorney or Solicitor of any of Her Majesty's Superior Courts of Law or Equity in any of Her Majesty's colonies, wherein the Common Law of England is the Common Law of the land.

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

(1) A Barrister, as mentioned in sub-section 1 of Rule 211, that he was bound by a contract in writing to a practising Solicitor in Ontario to serve, and has served, him as his Articled Clerk for the period of three years.

(2) An Attorney, Solicitor, or Writer as mentioned in sub-section 2 of Rule 211, that he was bound by a contract in writing to a practising Solicitor in Ontario to serve, and has served him as his Articled Clerk for the period of one year.

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

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

213. The fees payable by such candidates for admission to practise, in addition to the ordinary fees for Articled Clerks and for admission, shall be the sum of two hundred dollars.

213 (A). Any person applying for a certificate of qualification to be admitted as a Solicitor under the provisions of the Act 54 Vic. Cap. 25, shall furnish proof :

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

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

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

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

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

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

“LAW SOCIETY OF UPPER CANADA.”

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

“As of \_\_\_\_\_ Term, 189 .”

213 (c). The Secretary shall receive such notice upon payment of \$1, and shall make two lists, containing the names, additions and residences of the persons intending to apply as aforesaid, and affix one of such lists in a conspicuous place in his office, and the other in Convocation Hall.

213 (d). The certificate to be granted shall be in the following form :

“These are to certify that Mr. A. B. who has been called by the Law Society to the degree of Barrister-at-Law prior to the 1st day of January, 1891, having now satisfied the Society of his fitness and capacity, and that he is in all respects duly qualified to be admitted as a solicitor, may be admitted and enrolled as a Solicitor in accordance with the provisions of the statutes in that behalf .

“In testimony whereof I \_\_\_\_\_ Treasurer of the said Society have to these presents affixed the seal of the said Society

at Osgoode Hall this            day of            in the year of our  
 Lord one thousand eight hundred and            , and in the  
 year of Her Majesty's reign."

*Secretary.*

*Treasurer.*

213 (E). The person applying for, and obtaining such certificate shall pay therefor the sum of two dollars.

RESUME OF FEES.

220. Every candidate shall pay with his notice for admission as Student-at-Law.....	\$ 1 00
And previous to his admission.....	50 00
(a) Unless he shall have within the preceding five years been admitted as Articled Clerk, in which case he shall pay, instead of fifty dollars, the sum of ten dollars.	
221. Every candidate for admission as Articled Clerk, with his notice shall pay.....	1 00
And previous to his admission.....	40 00
222. Every candidate with notice of Call to the degree of Barrister-at-Law, shall pay .....	1 00
And previous to his examination.....	100 00
Additional fee in special cases under Statute..	200 00
223. Every candidate for Certificate of Fitness, shall, on leaving Articles, pay .....	60 00
Additional fee in special cases under Statute..	200 00
224. On every petition to Convocation for special relief .....	2 00
225. For every certificate of admission as Student-at-Law or Articled Clerk, if required.....	1 00
226. For every Barrister's diploma, if required....	2 00
227. And for every other certificate, not by these Rules otherwise provided for.....	1 00
228. Law School, per term, in advance.....	25 00
229. Barrister's term fee, per annum.....	2 00
230. Solicitor's Annual Certificate .....	15 00

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

232. In all cases where students in the Law School are entitled to present themselves for their final examinations for Call or admission as Solicitors, before the expiration of three or five years, as the case may be, from the time of their admission into the Society, they may present themselves for such examinations upon paying the sum of ten dollars for each examination and having passed such examinations they may thereafter on the expiration of such three or five years, as the case may be, be called to the Bar and enrolled as Solicitors upon paying the sums of \$90 and \$50 respectively, on or before the third Saturday preceding the terms in which they are so entitled to be so called or enrolled, and that in the case of the failure of any student the sums paid on the examinations be forfeited and the application of this rule shall terminate as to such student. (February 13th, 1891.)

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## APPENDIX.

## B.

## NOTICE OF PRESENTATION.

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

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

## C.

## PRESENTATION FOR ADMISSION.

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

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

GENTLEMEN : I hereby present to the committee and to Convocation, C. D. (names in full, no initials), of E., in the county of F., in this Province, gentleman, son of G. D., of the same place, merchant (or as the case may be), for the purpose of his being entered and admitted as a Student-at-Law, (or Articled Clerk, as the case may be).

I. J.

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

## PETITION FOR ADMISSION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT

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

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

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

Witness,  
R. W.

C. D.  
Term, Vic.



## CERTIFICATE OF ADMISSION INTO THE SOCIETY.

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

These are to certify that C. D., of E., in the county of F., Merchant (or as the case may be), having complied with the Rules in that behalf and been classed in the graduate (or matriculant, as the case may be) class, was by the Benchers of the Law Society of Upper Canada in Convocation, on the day of in the term of in the year of our Lord one thousand eight hundred and duly admitted into the said Society as a member thereof, and entered as a Student-at-Law (or Articled Clerk, as the case may be), taking precedence as such in this Society next immediately after Mr. Y. R., and that he now remains on the books of the Society as a member thereof.

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

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

## NOTICE OF PRESENTATION FOR CALL.

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

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

## PRESENTATION FOR CALL.

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

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

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

I. J.

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

H.

## BOND.

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

Know all men by these presents, that we C. D. names in full), of E., in the county of F., in this Province, gentleman, member of the Law Society of Upper Canada, now standing on the books of the said Law Society as a Student-at-Law (or Esquire, Member of the Honourable Society of Lincoln's Inn, Gray's Inn, the Middle Temple, or the Inner Temple, as the case may be, duly called to practise at the Bar of Her Majesty's Superior Courts in England, or Esquire, duly called to practise at the Bar in Her Majesty's Province of Quebec, Nova Scotia, or New Brunswick, etc., as the case may be), and Z. D., of E., in the county of F., merchant, and V. N., of T., in the county of S., yeoman, are jointly and severally held and firmly bound to the Law Society of Upper Canada in the penal sum of Four Hundred dollars of lawful money of Canada to be paid to the Law Society of Upper Canada aforesaid; for which payment to be

well and truly made we bind ourselves, and each of us binds himself, our and each and every of our heirs, executors, and administrators firmly by these presents. Sealed with our Seals. Dated this            day of            , in the            year of Her Majesty's reign, and in the year one thousand eight hundred and

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

Sealed and delivered in the presence of

A. B.

L.S.

L.S.

L.S.

I.

CERTIFICATE ON BOND.

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

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

J. S.

J. R.

## PETITION FOR CALL.

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

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

The petition of C. D. (Christian and surnames at length, no initials), of E., in the county of F., in this Province, gentleman, son of G. D., of the same place, merchant (or as the case may be), and a member of this Society, now standing on the books as a Student-at-Law, most respectfully sheweth,—That your petitioner is of the full age of        years ; that he has received a professional education, which he trusts sufficiently qualifies him to commence the practice of the Profession of the Laws : that he is of        years' standing on the books of the Society as a Student-at-Law ; and that he has received his professional education under the superintendence of J. K. (or of J. K. for the space of two years, L. M. for one year, and N. O. for two years, or as the case may be), a member of this Society of the degree of Barrister-at-Law ; that he has since his admission into the Society, passed the first and second intermediate examinations in the term of 18        and of 18        respectively.

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

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

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

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

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

Your petitioner, therefore, most respectfully prays that, his qualifications being first examined and found sufficient according to the Rules of the Society and the Standing Orders of Convo-

education in that behalf, he may be called to the said degree accordingly; and he doth hereby undertake and promise that he will, faithfully and truly, submit and conform himself to, obey, observe, perform, fulfil, and keep all the Rules, Resolutions, Orders, and Regulations of the said Society, during such time as he shall continue on the books of the said Society as a member thereof.

Witness,  
N. P.

Michaelmas Term

C. D.  
Vic.

—  
L.

PETITION FOR CERTIFICATE OF FITNESS.

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

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

The petition of            most respectfully sheweth —

That your petitioner is of the full age of            years; That he has received a professional education, which he trusts sufficiently qualifies him to commence the practice of the profession of the Law; That he received his professional education under the superintendence of            an Attorney of Her Majesty's Courts of Queen's Bench and Common Pleas and a Solicitor of the Court of Chancery and of the Supreme Court for Ontario; That he was admitted into the Law Society as a member thereof, and entered on the books thereof as a Student of the Laws in the term of            18    ; That the degree of B.A. was conferred on him on day of            18    ; by the University of            ; That his articles of clerkship were dated and executed on the            day of            18    and were duly filed on the            day of            18    ; That he passed the intermediate examinations as follows:

First Intermediate examination in            Term 18  
Second            "            "            in            "            18

That he has particularly studied the following branches of the Law, that is to say: Those mentioned in the Law Society Curriculum; That in the course of such study he has read the following works, that is to say: Those mentioned in the Law Society Curriculum; That his articles of clerkship expire on the

day of 18 , and that he is desirous of receiving a Certificate of Fitness and of being admitted as an Attorney and Solicitor.

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

Witness,

Term, 18

---

M.

### ARTICLES OF CLERKSHIP.

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

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

And the said A. A. doth hereby for himself, his heirs, executors, and administrators, covenant with the said S. S., his executors, administrators, and assigns, that the said B. A. shall and will well, faithfully and diligently serve the said S. S. as his clerk in the practice or profession of a Solicitor of the Supreme Court from the date hereof, during and until the full end of the herein-before mentioned term ; And that the said B. A. shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzel, spend, or make away with any of the books, papers, writings, documents, moneys, stamps, chattels, or other property of the said S. S., his executors, administrators, or assigns,

or of his partner or partners, or of any of his clients or employers : And that in case the said B. A. shall act contrary to the last-mentioned covenant, or if the said S. S., his executors, administrators, or assigns, or his partner or partners, shall sustain or suffer any loss or damage by the misbehaviour, neglect, or improper conduct of the said B. A. the said A. A., his heirs, executors, or administrators, shall indemnify the said S. S., and make good and reimburse him the amount or value thereof : And further, that the said B. A. will at all times keep the secrets of the said S. S. and his partner or partners, and will at all times during said term readily and cheerfully obey and execute his or their lawful and reasonable commands ; and shall not depart or absent himself from the service or employ of the said S. S. at any time during the said term without his consent first obtained, and shall from time to time, and at all times during the said term, conduct himself with all due diligence, honesty, and propriety : And the said B. A. doth hereby covenant with the said S. S., his executors, administrators, and assigns, that he, the said B. A.; will truly, honestly, and diligently serve the said S. S. at all times during the said term, as a faithful clerk ought to do, in all things whatsoever, in the manner above specified.

IN consideration whereof and of                    paid by the said A. A. (the receipt whereof the said S. S. doth hereby acknowledge) the said S. S. for himself, his heirs, executors, and administrators, doth hereby covenant with the said B. A., that the said S. S. will accept and take the said B. A. as his clerk : And also, that the said S. S. will by the best ways and means he may or can, and to the utmost of his skill or knowledge, teach and instruct, or cause to be taught and instructed, the said B. A., in the said practice or profession of a Solicitor of the Supreme Court, which the said S. S. now doth, or shall at any time hereafter during the said term use or 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 the within named parties, in the presence of	W. F.	}	A. A. (L.S.)
			B. A. (L.S.)
			S. S. (L.S.)

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

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

1. THAT I was personally present, and did see the within Instrument and Duplicate thereof duly signed, sealed, and executed by

\_\_\_\_\_ the part thereto:

2. THAT the said Instrument and Duplicate were executed at

3. THAT I know the said part

4. THAT I am a subscribing witness to the said Instrument and Duplicate.

5. THAT the said Instrument and Duplicate were executed as aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_ 18

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

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

N.

#### ASSIGNMENT OF ARTICLES OF CLERKSHIP.

This indenture made (in duplicate) the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and ninety \_\_\_\_\_ between \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_ one of the Solicitors of the Supreme Court of Judicature for Ontario, \_\_\_\_\_ of the first part, \_\_\_\_\_ of the same place,



student-at-law, of the second part. And of  
 in the county of one of the solicitors of the said Court,  
 of the third part.

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

And whereas, the said hath served the said  
 as his clerk from the day of the date of the said articles of  
 clerkship, to the day of the date of these presents.

And whereas it has been agreed that the said shall  
 assign to the said all benefit and advantage of him the  
 said under or by virtue of the said recited articles of  
 clerkship for all the residue now to come and unexpired of the  
 said term of years; and it has been further agreed that  
 the said shall put, place, and bind himself as clerk to  
 the said from the day of the date of these presents for  
 the remainder of the said term, and for such further period  
 (if any) as may be necessary 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 con-  
 sent 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 whatso-  
 ever of him the said under the hereinbefore in part re-  
 cited 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 ser-  
 vice 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	}	[L. S.]
by the within named parties		[L. S.]
in the presence of		[L. S.]

— — —

AFFIDAVIT OF EXECUTION.

COUNTY OF _____	}	I,	of
		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 \_\_\_\_\_ A.D. 189

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

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

\_\_\_\_\_

## An Act respecting Barristers-at-Law.

[Rev. Stat. Ont. 1887, Chap. 146.]

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

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

1. Any person of the age of twenty-one years, who, having been entered of and admitted into the "Law Society of Upper Canada" as a student of the laws, has been standing on the books thereof for five years, and has conformed himself to the rules of the Society ;

2. Any person who has been admitted into and stands on the books of the Law Society of Upper Canada, as a student of the laws of three years, and has conformed himself to the rules of said Society, and has, prior to the date of his admission to the said Society, and to the books of the said Society as a student, actually taken and had conferred upon him the degree of Bachelor of Arts or Bachelor of Law in any of the Universities of the United Kingdom of Great Britain and Ireland, or of any University or College in this Province or in the Province of Quebec, having power to grant degrees ; R. S. O. 1877, c. 139, s. 1, (1, 2).

3. Any person who has been duly called to the Bar of England, Scotland or Ireland (excluding the Bar of Courts of merely local jurisdiction)—when the Inn of Court or other authority having power to call or admit to the Inn by which such person was called or admitted, extends the same privilege to Barristers from Ontario,—on producing sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Law Society. 48 Vic. c. 30, s. 1.

4. Any person who has been duly authorized to practise as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law, in all Courts of Justice in Quebec, or who has been found capable and qualified, and entitled, to receive a diploma for that purpose under the provisions of the Acts respecting the incorporation of the Bar of Quebec, or who has been duly registered as a clerk and studied during the periods for study respectively required under the provisions of the said Acts, on producing sufficient evidence thereof, and also on producing testimonials of good character, and undergoing an examination in the law of Ontario, to the satisfaction of the Law Society of Upper Canada, and upon his entering himself of the said Society, and conforming to all the rules and regulations thereof;

5. Any person who has been duly called to the Bar of any of Her Majesty's Superior Courts in any of Her Majesty's Provinces of North America, in which the same privilege would be extended to Barristers from Ontario, and who produces sufficient evidence of such call and testimonials of good character and conduct to the satisfaction of the Law Society. R. S. O. 1877, c. 139, s. 1 (4, 5).

#### QUEEN'S COUNSEL.

2. It was and is lawful for the Lieutenant-Governor by letters patent, under the Great Seal of the Province of Ontario, to appoint from among the members of the Bar of Ontario, such persons as he may deem right to be, during pleasure, provincial officers under the names of Her Majesty's Counsel learned in the law for the Province of Ontario. R. S. O. 1877, c. 139, s. 2.

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

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

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

5. The members of the Bar who were, before the first day of July, in the year of our Lord 1867, appointed Her Majesty's Counsel for Upper Canada, so long as they are such Counsel, according to seniority of appointment as such Counsel. R. S. O. 1877, c. 139, s. 3.

4. The Lieutenant-Governor, by letters patent under the Great Seal of Ontario, may grant to any member of the Bar a patent of precedence in the said Courts. R. S. O. 1877, c. 139 s. 4.

5. Members of the Bar from time to time appointed after the first day of July, in the year of our Lord, 1867, to be Her Majesty's Counsel for the Province, and members of the Bar to whom, from time to time, patents of precedence are granted shall severally have such precedence in the said Courts as may be assigned to them by letters patent, which may be issued by the Lieutenant-Governor under the Great Seal. R. S. O. 1877, c. 139, s. 5.

6. The remaining members of the Bar shall, as between themselves, have precedence in the said Courts in the order of their call to the Bar. R. S. O. 1877, c. 139, s. 6.

7. Nothing in this Act contained shall in any wise affect or alter any rights of precedence which may appertain to any member of the Bar when acting as Counsel for Her Majesty, or for any Attorney-General of Her Majesty, in any matter depending in the name of Her Majesty or of the Attorney-General before the said Courts, but such right and precedence shall remain as if this Act had not been passed. R. S. O. 1877, c. 139, s. 7.

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## An Act respecting Solicitors.

[Rev. Stat. Ont. 1887, Chap. 147.]

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

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

## SOLICITORS TO BE ADMITTED AND ENROLLED.

1. Unless admitted, and enrolled, and duly qualified to act as a Solicitor, no person shall act as a Solicitor in any Court of Civil or Criminal Jurisdiction, or before any Justice of the Peace, or shall as such sue out any writ or process, or commence, carry on, solicit or defend any action, or proceeding in the name of any other person, or in his own name. R. S. O. 1877, c. 140, s. 1.

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

## WHO MAY BE ADMITTED.

2.—(1) All persons heretofore admitted as Solicitors or Attorneys of, or by law empowered to practise in, any Court the jurisdiction of which is now vested in the High Court shall be called Solicitors of the Supreme Court of Ontario, and shall be

entitled to the same privileges, and be subject to the same obligations, so far as circumstances will permit, as they were entitled or subject to prior to the 22nd day of August, 1881.

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

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

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

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

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

3. Any person who has been duly called to practise at the Bar of Ontario, or who has been duly called to practise at the Bar of any of Her Majesty's Superior courts not having merely local



jurisdiction in England, Scotland or Ireland, and has been bound by contract in writing to a practising Solicitor in Ontario to serve, and has served, him as his clerk for three years ;

4. Any person duly and lawfully sworn, admitted, and enrolled a Solicitor of Her Majesty's Supreme Court of Judicature in England or Ireland, or who has been Writer to the Signet or Solicitor in the Supreme Courts in Scotland, and has been bound by contract in writing to a practising Solicitor in Ontario, to serve, and has served, him as his clerk for one year ;

5. Any Attorney or Solicitor of any of Her Majesty's Superior Courts of Law or Equity in any of Her Majesty's Colonies wherein the Common Law of England is the Common Law of the land, and who has been bound by contract in writing to a practising Solicitor in Ontario, to serve, and has served, him as his clerk for one year. R. S. O. 1877, c. 140 s. 2.

4. The High Court may in its discretion admit as Solicitors any persons who have been called to the degree of Barrister-at-Law under the provisions of sub-section 4 of section 1 of *The Act respecting Barristers-at-Law*, on their producing such evidence and testimonials, and undergoing an examination in the law of Ontario under the direction of the Law Society of Upper Canada to the satisfaction of the Court. R. S. O. 1877, c. 140, s. 3.

#### SERVICE OF ARTICLED CLERKS.

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

1. Whenever any person has been by bound contract, in writing, to serve as a clerk to a Solicitor, such contract with the affidavit of execution thereof annexed thereto, shall within three months next after the execution of the contract be filed with the Registrar of the Common Pleas Division of the High Court, who shall endorse and sign upon the contract and affidavit a memorandum of the day of filing thereof, and every assignment of such contract, together with an affidavit of the execution thereof annexed thereto, shall be filed in like manner within the like period of three months next after the execution thereof.

Every such affidavit shall state the date of the execution of the articles or assignment, as the case may be, by the parties thereto respectively.

2. In case the contract, or assignment (as the case may be) with the affidavit of execution annexed thereto, is not filed within three months after the date of the contract or assignment, the same may nevertheless be filed with either of the officers before mentioned, but the service of the clerk shall be reckoned only from the date of the filing, unless the Law Society in its discretion for special reasons in any particular case otherwise orders.

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

4. In case any Solicitor before the determination of the contract of a clerk bound to him as aforesaid, has become bankrupt, or taken the benefit of any Act for the relief of insolvent debtors, or, having been imprisoned for debt has remained in prison for the space of twenty-one days, the High Court may, upon the application of the clerk, order the contract to be discharged or assigned to such person, upon such terms, and in such manner as the Court thinks fit.

5. If a Solicitor, to whom a clerk has been so bound, dies before the expiration of the term for which the clerk became bound, or, if he discontinues practice as a Solicitor, or, if the contract is by the consent of the parties cancelled, or in case the clerk is legally discharged before the expiration of the term by any rule or order of the court, the Clerk may be bound by another contract in writing, to serve as clerk to any other practising Solicitor during the residue of his said term ; and in case an affidavit is duly made and filed of the execution of such last mentioned contract within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original contract and the affidavit of its execution,

due service under such second or subsequent contract shall be deemed sufficient. R. S. O. 1877, c. 140, s. 4.

CONDITIONS OF ADMISSION AS SOLICITOR.

6.—(1) Subject to the rules, regulations and by-laws made by the Benchers of the Law Society of Upper Canada, under *The Act respecting the Law Society of Upper Canada*, no person above mentioned shall be admitted and enrolled as a Solicitor unless :

- (a) He has during the time specified in his contract of service duly served thereunder, and has during the whole of such term of service been actually employed in the proper practice or business of a Solicitor, by the Solicitor to whom he has been bound at the place where such Solicitor has continued to reside, during such term, or (with his consent) by the professional agent of the Solicitor in Toronto, for a part of the said term, not exceeding one year ; nor unless
- (b) He has after the expiration of such term of service been examined and sworn in the manner hereinafter directed ; nor unless
- (c) He has, at least fourteen days next before the first day of the Term in which he seeks admission, left with the Secretary of the Law Society his contract of service, and any assignment thereof, and affidavits of the execution of the same respectively, and his own affidavit of due service thereunder, and a certificate of the Solicitor to whom he was bound, or his agent as aforesaid, of such due service, and (in the case of a person who has been called to the Bar or taken a degree as hereinbefore mentioned), a certificate of his having been so called to the Bar, or taken such degree, or a duly authenticated certified copy of such certificate.

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

(3) In case the contract of service, assignment, (if any) affidavits, and certificate of due service, or any of them, cannot be produced, then, on application to be made to the Law Society, by a petition verified by affidavit, to be left with the Secretary

of the Society, at least fourteen days next before the first day of the Term on which the applicant seeks admission, the Society on being satisfied of such fact may, in its discretion, dispense with the production of such contract, assignment, affidavits and certificate of due service, or any of them, and may, notwithstanding such nonproduction, grant the certificates provided for in section 10 of this Act.

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

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

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

R. S. O. 1887, c. 140, s. 5.

#### EXAMINATIONS.

7. Subject to any rules, regulations, and by-laws made by the Benchers of the Law Society of Upper Canada, under *The Act respecting the Law Society of Upper Canada*, the following enactments are made with respect to the examination of articled clerks, and candidates for admission as Solicitors :

1. The Benchers of the Law Society of Upper Canada may by regulation require that articled clerks shall pass a preliminary examination ; and the term of service under articles to entitle each articled clerk to be admitted as a Solicitor shall date only from the passing of such examination.

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

3. In case any person is prevented by illness or other unavoidable cause, from presenting himself for, or fails to pass, either of the examinations by this section required, within the time specified, the Benchers may, in their discretion, permit such person to pass such examination at other times; but not less than nine months shall elapse between the first and the second of such examinations, not less than nine months shall elapse between the second of such examinations and the final examination. R. S. O. 1877, c. 140, s. 6.

8. Subject to the rules and regulations of the Law Society of Upper Canada, as aforesaid, no candidate for admission, being of the class of persons respectively mentioned in sub-sections 3, 4 and 5 of section 2 of this Act, shall be admitted unless,

1. He publishes in the *Ontario Gazette*, at least two months previously, notice of his intention to apply for admission.

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

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

(b) And in the case of an Attorney or Solicitor—a certificate under the seal of the proper Court or Courts, duly attested under the hand of the proper officer thereof, that he was duly admitted and enrolled as such Attorney or Solicitor, and was at the date of such certificate on the Roll of Attorneys or Solicitors of such Court or Courts ; and also, an affidavit of the applicant, that since his admission as aforesaid no application to any such Court or Courts (as

the case may be) has been made against such person to strike him off the Roll of any such Court, or otherwise to disqualify him in the capacity of Attorney or Solicitor ;

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

9. The Benchers of the Law Society of Upper Canada, with the approbation of the Visitors, shall from time to time make such rules as they consider necessary for conducting the examination of persons applying to be admitted as Solicitors, as well touching the articles and service, and the several certificates required by law to be produced by them before their admission, as touching the fitness and capacity of such persons to act as Solicitors ; and the Society may from time to time nominate and appoint Examiners for conducting such examinations. R. S. O. 1877, c. 140, s. 8. *See also* Cap. 145, s. 41.

10. The Benchers of the Law Society, upon proof to their satisfaction of the requisites of this Act having been complied with, shall examine and enquire by such ways and means as they think proper, touching the fitness and capacity of any applicant for admission to act as a Solicitor ; and if satisfied by such examination, or by the certificate of the examiners mentioned in section 9 of this Act, that such person is duly qualified, fit, and competent to act as a Solicitor, the Society shall give a certificate under the corporate seal of the said Society of the due service under contract in writing, of such person, and of his fitness and capacity, and of his having duly complied with the requirements of this Act, and that he is in all respects duly qualified to be admitted as a Solicitor. R. S. O. 1877, c. 140, s. 9.

11. Upon production to one of the Judges of the High Court annexed to such certificate of the original contract of service and any assignments thereof, and the affidavits of due service thereunder, and all other certificates hereinbefore required, such Judge shall endorse his fiat of admission upon the certificate of the Law Society ; and thereupon the High Court may, in addition to the oath of allegiance, administer to such person in open Court the oath hereinbefore directed to be taken by Solicitors, and after such oaths taken may cause him to be admitted and his name to be enrolled as a Solicitor, which admission shall be signed by the

Registrar of one of the Divisions of the High Court, and the documents upon which the admission has been obtained shall be filed and retained of record in the office of the Court. R. S. O. 1877, c. 140, s. 10.

## FEES.

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

1. On filing articles and assignments (if any) and every affidavit of execution of such articles, and making the endorsement required by this Act . . . . . \$0 50
  2. For fiat, admission, oath and certificate . . . . . 5 50
- R. S. O. 1877, c. 140, s. 12. *See the Tariff.*

## ANNUAL CERTIFICATES.

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

14. The Secretary shall enter all such certified copies in a book to be kept in his office for that purpose, affixing to each name a number following in consecutive order the numbers affixed to the names previously entered. R. S. O. 1877, c. 140, s. 14.

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

**16.**—(1) Every practising Solicitor shall obtain from the Secretary of the Law Society, annually, before the last day of Michaelmas Term, a certificate under the seal of the said Society stating that he is a practising Solicitor in the High Court.

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

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

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

**17.** No certificate shall be issued to any Solicitor, who is indebted to the Society, for any Term or other fee payable to the Society, nor until the annual fee for each certificate prescribed by the rules of the Society is paid. R. S. O. 1877, c. 140, s. 17.

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

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

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

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



**21.** If a Solicitor practises in the High Court or in a County Court without such certificate in each and any year of his practice he shall be liable to be suspended by order of the High Court from practice for such offence, for a period of not less than three nor more than six months, and to continue so suspended until the fee upon his certificate for the year in which he so practised without certificate, is, together with a penalty of \$40, paid to the Law Society. R. S. O. 1877, c. 140, s. 21.

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

(2) Each of the said officers shall, on or before the first day of Hilary Term in the year next to that for which they are made up, deliver or hand such lists to the Secretary at Osgoode Hall, certified under their respective hands and seals. R. S. O. 1877, c. 140, ss. 22, 23.

**23.** In case a Solicitor is a prisoner in any gaol or prison he shall not during his confinement therein, or within the limits thereof, commence, prosecute or defend as such Solicitor any action in any Court, nor act in any matter in bankruptcy or insolvency; and any Solicitor so practising, and any Solicitor permitting or empowering him so to practise in his name, shall be guilty of a contempt of the Court in which any such proceedings take place, and (upon the application of any person complaining thereof) shall be punishable by such Court accordingly; and such Solicitor shall be incapable of maintaining any action for the recovery of any fee, reward or disbursement for or in respect of any matter or thing done by him, whilst a prisoner as aforesaid, in his own name or in the name of any other Solicitor. R. S. O. 1877, c. 140, s. 24.

**24.** In case a Solicitor wilfully and knowingly acts as the professional agent of any person not duly qualified to act as a Solicitor, or suffers his name to be used in any such agency on account of or for the profit of an unqualified person, or sends

any process to such person, or does any other act to enable such person to practise in any respect as a Solicitor, knowing him not to be duly qualified, and in case complaint is made thereof in a summary way to the High Court, and proof is made upon oath to the satisfaction of the Court, the Solicitor so offending may, in the discretion of the Court, be struck off the Roll, and disabled from practising as such Solicitor; and the Court may also commit such unqualified person so having practised as aforesaid to any common gaol or prison for any term not exceeding one year. R. S. O. 1877, c. 140, s. 25.

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

26. In case any person, unless himself a plaintiff or defendant in the proceeding, commences, prosecutes, or defends in his own name, or that of any other person, any action or proceeding, without being admitted and enrolled as aforesaid, he shall be incapable of recovering any fee, reward, or disbursements on account thereof; and such offence shall be a contempt of the Court in which such proceeding has been commenced, carried on or defended, and punishable accordingly. R. S. O. 1877, c. 140 s. 27.

27. No Solicitor shall practise in any Court in Ontario, either in his own name or by his partner, deputy or agent, or in the name of any other person, or otherwise, directly or indirectly, while he holds, possesses, practises, carries on, or conducts any of the offices of Registrar of the Court of Appeal, Registrar of any Division of the High Court, Deputy Clerk of the Crown and Pleas, Clerk of a County Court, or Clerk of a Division Court, and every such person so practising, shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of \$2,000 to be recovered in an action in the High Court, to the use of Her Majesty; but nothing herein contained shall extend to any Local Master or Deputy Registrar of the High Court, who is not a Deputy Clerk of the Crown and Pleas. R. S. O. 1877, c. 140, s. 28.

28. No Solicitor shall practise in any of the Courts of Ontario during the time he is engaged in the business of a merchant, or

connected by partnership, public or private, in purchasing or vending merchandise in the way of trade as a merchant, nor until twelve months after he has ceased to be such merchant or to be so engaged, or to be connected as aforesaid. R. S. O. 1877, c. 140, s. 29.

TIME LIMITED FOR STRIKING A SOLICITOR OFF THE ROLL.

29. Except in case of fraud, no person admitted and enrolled shall be struck off the Roll on account of any defect in the articles of clerkship, or in the registry thereof, or in his service thereunder, or in his admission and enrolment, unless application for striking him off the Roll is made within twelve months next after his admission and enrolment. R. S. O. 1877, c. 140, s. 30.

PROCEEDINGS IF STRUCK OFF THE ROLL.

30. Where a Solicitor is struck off the Roll of the High Court, the Registrar of the Division of the High Court in which the order is made shall certify the same under his hand and the seal of the Court to the Secretary of the Law Society, stating whether such Solicitor was struck off at his own request or otherwise, and the Secretary shall attach the certificate to the certified copy of the Roll on which the name of such person stands, and shall, in the book to be kept by him as aforesaid, make a note opposite the name of such person of his having been struck off such Roll. R. S. O. 1877, c. 140, s. 31.

SOLICITOR'S COSTS.

31. No action shall be brought for the recovery of fees, charges or disbursements, for business done by a Solicitor as such, until one month after a bill thereof, subscribed with the proper hand of such Solicitor, his executor, administrator or assignee (or, in the case of a partnership, by one of the partners, either with his own name, or with the name or style of such partnership), has been delivered to the party to be charged therewith, or sent by the post to, or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, or has been enclosed in or accompanied by a letter subscribed in like manner, referring to such bill. R. S. O. 1877, c. 140, s. 32.

32. Upon the application of the party chargeable by such bill within the month, the High Court or a Judge thereof, or a Judge of a County Court shall, without money been brought into Court,

refer the bill and the demand thereon to be taxed by the proper officer of any of the Courts in the County in which any of the business charged for in the bill was done, and the Court or Judge making such reference shall restrain the bringing any action for such demand pending the reference. R. S. O. 1877, c. 140, s. 33.

**33.** In case no application is made within the month, then the Court or Judge, upon the application of either party may, order a reference with such directions and conditions as he may deem proper ; and may, upon such terms as may be thought just, restrain any action for such demand pending the reference. R. S. O. 1877, c. 140, s. 34.

**34.** No such reference shall be directed upon application made by the party chargeable with such bill after a verdict has been obtained or a writ of inquiry executed, or after twelve months from the time such bill was delivered, sent or left as aforesaid, except under special circumstances, to be proved to the satisfaction of the Court or Judge to whom the application for the reference is made. R. S. O. 1877, c. 140, s. 35.

**35.** In case either party to such reference, having due notice, refuses or neglects to attend the taxation, the officer to whom the reference is made may tax the bill *ex parte* ; and in case the reference is made upon the application of either party and the party chargeable with the bill attends the taxation, the costs of the reference shall be paid according to the event of the taxation, except that if a sixth part is taxed off, the costs shall be paid by the party by whom or on whose behalf such bill was delivered ; and if less than a sixth part is taxed off, then by the party chargeable with such bill, if he applied for or attended the taxation. R. S. O. 1877, c. 140, s. 36.

**36.** Every order for such reference shall direct the officer to whom the reference is made, to tax the costs of the reference, and to certify what, upon the reference, he finds to be due to or from either party in respect of such bill and of the costs of the reference, if payable. R. S. O. 1877, c. 140, s. 37.

**37.** Such officer may certify specially any circumstances relating to the bill or taxation, and the Court or Judge may thereupon make such order as may be deemed right respecting the payment of the costs of the taxation. R. S. O. 1877, c. 140, s. 38.

38. In case the reference is made when the same is not authorized except under special circumstances, as hereinbefore provided, the Court or Judge, in making the same, may give any special directions relative to the costs of the reference. R. S. O. 1877, c. 140, s. 39.

39. Where no bill has been delivered, sent or left as aforesaid, and where the bill, if delivered, sent or left, might have been referred as aforesaid, any such Court or Judge may order the delivery of a bill, and may also order the delivery up of deeds or papers in the possession, custody or power of the Solicitor, his assignee or representatives, in the same manner as has heretofore been done in cases where any such business has been transacted in the Court in which such order was made. R. S. O. 1877, c. 140, s. 40.

40. In proving a compliance with this Act it shall not be necessary in the first instance to prove the contents of the bill delivered, sent or left, but it shall be sufficient to prove that a bill of fees, charges or disbursements subscribed in the manner aforesaid, or enclosed in or accompanied by such letter aforesaid, was delivered, sent or left in manner aforesaid; but the other party may show that the bill so delivered, sent or left, was not such a bill as constituted a *bonâ fide* compliance with this Act. R. S. O. 1877, c. 140, s. 41.

41. A Judge of the High Court or a County Judge, on proof to his satisfaction that there is probable cause for believing that the party chargeable is about to quit Ontario, may authorize a Solicitor to commence an action for the recovery of his fees, charges or disbursements against the party chargeable therewith, although one month has not expired since the delivery of a bill as aforesaid. R. S. O. 1877, c. 140, s. 42.

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

43. In case such application is made when, under the provisions hereinbefore contained, a reference is not authorized to be made except under special circumstances, the Court or Judge to whom the application is made, may take into consideration any additional special circumstances applicable to the person making it although such circumstances might not be applicable to the party chargeable with the bill, if he was the party making the application. R. S. O. 1877, c. 140, s. 44.

44. For the purpose of such reference upon the application of the person not being the party chargeable, or of a party interested as aforesaid, the Court or Judge may order the Solicitor, his assignee or representative, to deliver to the party making the application a copy of the bill upon payment of the costs of the copy. R. S. O. 1877, c. 140, s. 45.

45. No bill previously taxed shall be again referred, unless, under the special circumstances of the case, the Court or Judge to whom the application is made thinks fit to direct a retaxation thereof. R. S. O. 1877, c. 140, s. 46.

46. The payment of any such bill as aforesaid shall in no case preclude the Court or Judge to whom application is made from referring such bill for taxation, if the application is made within twelve months after payment, and, if the special circumstances of the case in the opinion of the Court or Judge appear to require the same, upon such terms and subject to such directions as to the Court or Judge seem right. R. S. O. 1877, c. 140 s. 47.

47. In all cases in which a bill is referred to be taxed, the officer to whom the reference is made, may request the proper officer of any other Court, to assist him in taxing any part of such bill, and the officer, so requested, shall thereupon tax the same, and shall have the same powers, and may receive the same fees in respect thereof, as upon a reference to him by the Court of which he is an officer, and he shall return the bill, with his opinion thereon, to the officer who so requests him to tax the same. R. S. O. 1877, c. 140 s. 48.

48. All applications made to refer any bill to be taxed, or for the delivery of a bill, or for the delivering up of deeds, documents and papers, shall be made *In the matter of (such Solicitor)*; and upon the taxation of any such bill, the certificate of the officer by

whom the bill is taxed shall, unless set aside or altered by order of a Judge, or by decree or order of Court, be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the practice of the Court in which the reference has been made. R. S. O. 1877, c. 140 s. 49.

JUDGES MAY MAKE RULES.

49. The Judges of the Supreme Court may, from time to time, in accordance with the provisions of *The Judicature Act*, make such General Rules or Regulations other than the Rules or Regulations hereinbefore referred to, as to them seem necessary and meet for carrying out the provisions of this Act. R. S. O. 1877, c. 140, s. 50.

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

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

51.—(1) With respect to any business to which the preceding section relates, whether any general rule under this Act is in operation or not, it shall be competent (subject to the provisions

hereinafter mentioned) for a Solicitor to make an agreement with his client, and for a client to make an agreement with his solicitor, before or after, or in the course of the transaction of such business, for the remuneration of the Solicitor, to such amount, and in such manner as the solicitor and the client think fit, either by a gross sum, or by commission or percentage, or by salary or otherwise; and it shall be competent for the Solicitor to accept from the client, and for the client to give to the Solicitor, remuneration accordingly.

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

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

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

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



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

PRESENT PRACTICE, AS TO ADMISSIONS NOT ALTERED.

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

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

[54 Vic. Cap. 25.]

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

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

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

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