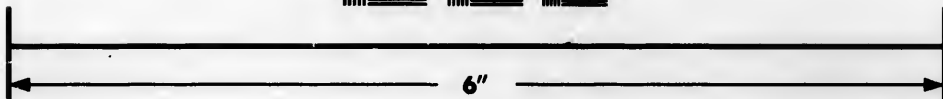
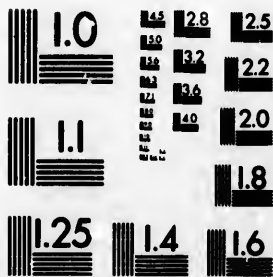


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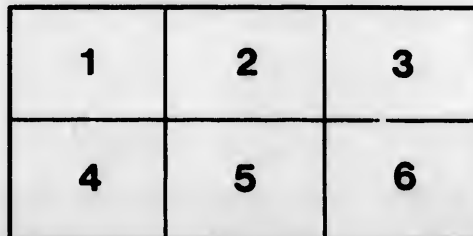
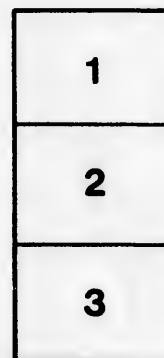
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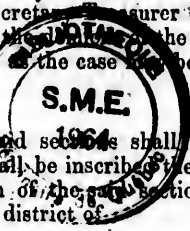
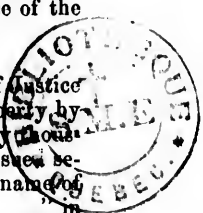
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An Act respecting the Bar of Lower Canada.

WHEREAS it is expedient to repeal, consolidate and amend the Acts respecting the Bar of Lower Canada; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

- 5 1. All Advocates, Barristers, Attorneys, Solicitors, and
Law, in Lower Canada, shall form a Corporation, and its name shall be
"The Bar of Lower Canada," which said Corporation shall be divided
into four sections,—that is to say: one section for the old district of
Montreal; one section for the old district of Quebec; one section for
10 the old district of Three Rivers; and one section for the old district of
St. Francis: and the Advocates, Barristers, Attorneys, Solicitors and
Proctors at Law, residing in the District of Gaspé, shall form part of
the section of the District of Quebec.
2. The names of the members of the said Corporation shall be entered
15 on a general list, to be kept by the General Council, and the Secretary
of each section shall likewise keep a similar list containing the name,
christian name and residence, of each such member of his section, and
such list shall be posted up in a conspicuous place in the office of the
Prothonotary in each old and in each new district.
- 20 2. The said Corporation may sue and be sued in all Courts of Justice
in Lower Canada, may acquire moveable and immoveable property by
purchase, donation, bequest or otherwise, to the value of twenty thousand
dollars; and each of the sections thereof may sue and be sued se-
parately in any Court of Justice in Lower Canada, under the name of
25 the "Bar of Lower Canada, section of the district of _____," in
all matters relating to each such section respectively, and may acquire
moveable and immoveable property to the value of twenty-four thousand
dollars.
2. All actions brought by or against any of the said sections respec-
30 tively, shall only affect the section concerned therein; and in all ac-
tions against the said Corporation or against any of the said sections,
service of process at the domicile of the Secretary or Treasurer of the
General Council hereinafter mentioned, or at the domicile of the Secre-
tary of the Council of the section concerned, as the case may be, shall
35 be valid;
3. The said Corporation and each of the said sections shall have a
Common Seal; on that of the Corporation shall be inscribed the words
"Bar of Lower Canada," and on that of each of the said sections the
words "Bar of Lower Canada, section of the district of _____."
- 40 4. The members of the said Corporation shall not be individually
liable for any debt contracted by the said Corporation or any of the
said sections.

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3. The Corporation may make all such by-laws, rules and orders, as it deems necessary for the interior discipline and honor of the members of the bar ;—to regulate the admission of candidates to the study or practice of the law,—for the management of the property of the Corporation—and, generally, all by-laws, rules and orders of general interest 5 to the said Corporation and the members thereof, and necessary to ensure its well working ; which said by-laws, rules and orders, the said Corporation may change, alter, modify or repeal, whenever it shall deem necessary.

2. The said by-laws, rules and orders, shall not be contrary to the 10 laws of Lower Canada nor to the provisions of this Act.

4. The powers conferred on the Corporation by this Act shall be exercised by a general council, composed of the Batonnier elected for each of the sections of the districts of Montreal, Quebec, Three Rivers and St. Francis, who shall elect and appoint one of their number to be 15 President, and shall elect and appoint, as to them shall seem fit, from among the members of one of the sections which they represent, a Secretary, who shall likewise be the Treasurer of the said general Council of the said Corporation, and who shall be a member of the general Council.

COUNCILS OF SECTIONS AND THEIR OFFICERS.

20

5. The Council of each section shall be composed of a Batonnier, a Syndic, a Treasurer and a Secretary, and eight other members for each of the sections of the district of Quebec and of the district of Montreal respectively, and of three other members for the section of the district of Three Rivers, and of five other members for the section of the district of St. Francis ; and the majority of each of the said Councils respectively shall form a quorum ; and all questions submitted to the said Councils shall be decided by a majority of the votes of the members present, including the Batonnier. 25

6. At the first meeting for the election of the Council of any section, 30 the senior Advocate (reckoning by the date of his commission) then present shall preside, and shall have the casting vote ; and at all other meetings of sections the Batonnier shall preside, or, in his absence, any other member, to be chosen by the meeting.

7. The election of the Council of any section shall be by ballot, and 35 shall be held on the first day of May in each year, unless such day be a Sunday or a *fête d'obligation*, and then on the next day thereafter not being a Sunday or a *fête d'obligation* ; and the Council shall, immediately after the election, enter upon the execution of its functions.

2. No such election shall take place unless there be at least twenty 40 members of the section present at the meeting—if it be held for either of the sections of Quebec or Montreal, and eight members if it be held for either of the said sections of Three Rivers or St. Francis ; and in case the election does not take place on the day appointed, for want of a quorum, or for any other cause, it shall be made at any other meeting 45 specially called by the Secretary, or, in his absence, by the Syndic, on the order of the Batonnier going out of office, or on the requisition of six members of the section.

3. The quorum at all meetings of each section shall be the same as that required for the election of officers by the preceding sub-section.

8. A meeting of each section shall be held every six months, in the council-room of the section, on days fixed by the by-laws of the said 5 Councils respectively.

2. Special meetings may be held, which shall be called by the Secretary, or, in his absence, by the Syndic, on the order of the Bâtonnier, or on the requisition of six members of the section.

9. The Councils of sections shall cause to be executed in their respective sections, and independently of each other, all the by-laws, rules and orders of the general Council, and may make such by-laws, rules and orders as they may deem necessary.

1. For acquiring, disposing of and managing the property of their respective sections ;

15 2. For regulating the time and place of holding meetings of the members of the respective sections, and the mode of proceeding thereat ;

3. And, generally, all by-laws, rules and orders, relative to matters concerning such sections ;

4. The said by-laws, rules or orders, shall not be contrary to the 20 provisions of this Act, nor to any of the by-laws, rules or orders passed by the general Council, nor to any law in force in Lower Canada.

10. The Council of each section shall, in and with regard to such section, have power,—

First.—For the maintenance of the discipline and honor of the body ; 25 and, as the importance of the case requires, to pronounce, through the Batonnier, a censure or reprimand against any member guilty of any breach of discipline, or of any action derogatory to the honor of the bar ; and the Council may deprive such member of the right of voting, and even of the right of assisting at the meetings of the section, for any 30 term whatsoever, in the discretion of the said Council, not exceeding five years ; and may also, according to the gravity of the offence, punish such member, by suspending him from his functions for any period whatsoever in the discretion of the said Council, not exceeding five years, subject only to appeal to the general Council, as hereinafter 35 provided.

Secondly.—To prevent, reconcile, and settle all differences between members of the section concerning professional matters.

Thirdly.—To prevent, hear, reconcile and determine all complaints and claims made by third parties against members of the bar in the 40 section, in matters connected with their professional duties.

Fourthly.—To admit, upon the report of the Committees of Examination, candidates for the study or for the practice of the profession, and to decide upon their capacity and good morals.

Fifthly.—To represent the members of the bar, whenever the inter- 45 ests or duties of the profession require it.

11. The Secretary of each section shall carefully record the deliberations and proceedings of the meetings of his section and of

the Council of his section, and shall keep minutes thereof in a book to be kept for that purpose; and he shall be the keeper of the archives of his section, which shall be deposited in a place of safety, to be fixed by the Council of each section;

2. He shall deliver all copies, certificates and other papers which may be required, and such copies signed and certified by the Secretary, and sealed with the seal of the section, shall be admitted and received as authentic in all Courts of Justice in Lower Canada. 5

12. The Treasurer of each section shall have the keeping of the common fund of his section, shall receive and pay all sums, the receipt or expenditure whereof is authorized, and shall render an account of his administration every year at the meeting held for the election of the Council, and whenever he shall be required by the Council so to do. 10

13. In case of the absence, illness or death of any officer of any councils, his place shall be filled up as follows, viz.: that of the Bâtonnier by the oldest member of the Council reckoning by date of admission to the profession, and that of any other officer by an officer to be chosen temporarily by the Council; and in case of the absence, illness or death of any of the members of the Council, the Council may fill up their places in the same manner by the same number of other members to be chosen from among the members of the section. 20

14. The Bâtonnier of each section shall have a right to vote, and also shall have the casting vote at all meetings and debates, either of the Council or of the members of the section; the Bâtonnier of each section may call special and extraordinary meetings whenever he deems it expedient; he shall be vigilant in enforcing the observance of the by-laws, rules and orders, and in maintaining order at meetings; he may call to order such members as are out of order, and also censure and reprimand them. 25

MEETINGS OF THE GENERAL COUNCIL.

30

15. Within the month next after the annual elections of Councils of sections, the Bâtonniers of such Councils shall meet alternately at Montreal and Quebec, the first of such meetings being held at Montreal, to elect from among themselves the President, and from among the members of the different sections, the Secretary-Treasurer of the General Council of the Corporation, and also to make such by-laws as by the third section of this Act they are empowered to make; 35

2. The quorum of the General Council shall be the majority of the said Council, and any question raised shall be decided by the majority of the members present. 40

16. The duties of the Secretary-Treasurer of the General Council shall, with respect to the said General Council and the Corporation, be analogous to those of the Secretary and Treasurer of each section with respect to their section; and all copies of minutes of the proceedings of the said General Council, certified by the Secretary-Treasurer of the Council, under the seal of the Corporation, shall be received as authentic in all Courts in this Province. 45

17. The President of the General Council shall have a right to vote and shall also have the casting vote at all deliberative meetings of the General Council.

OF ACCUSATIONS AGAINST MEMBERS OF THE BAR.

- 5 18. In all cases where a member of the Bar is accused of any offence and of any contravention of the provisions of this Act, before the Council of the section to which he belongs, the accusation shall be decided by a *viva voce* vote of guilty or not guilty, the absolute majority of the members of the Council of the section.
- 10 19. The manner of proceeding on all accusations brought by the Syndic shall be as follows :
2. Whenever the Syndic receives, on the oath of one or more credible persons, (which oath the said Syndic shall administer,) a complaint against any member of his section, affecting the honor, 15 dignity, interests or duties of the profession; he shall submit the said complaint, without delay, to a meeting of the Council specially called for the purpose, and if it is considered by the Council, that the matter requires investigation, he shall order an accusation to be brought against such member ;
- 20 3. The Syndic shall then draw up the act of accusation in the form of Schedule No. 2, hereunto annexed, which said act shall be transmitted to the Secretary, who shall cause a copy thereof to be made, duly certified by him, and shall serve the said copy on the accused party, with an order in the name of the Bâtonnier of the section, 25 requiring the said accused party to appear in person before the Council, on the day and at the hour and place mentioned in the said order which said order shall be in the form of Schedule No. 3, hereunto annexed ;
4. The service of the act of accusation and of the order to appear, 30 deliver copies thereof to the accused party in person, and the said messenger shall make a return on oath (to be administered by the Secretary of the section or any Judge or any Commissioner of the Superior Court) of such service ;
- 35 5. All proceedings relating to accusations made before Councils of sections as aforesaid, shall be in writing, and the Secretary of such section shall be bound to take detailed notes of the testimony heard, which notes and proceedings, or any copy thereof, shall be received as valid proof before the General Council, and in any Court of Law in 40 Lower Canada ; and all such documents of procedure shall be made up into one record ready for transmission to the General Council in case of appeal, and to be returned to the Council of the section after the rendering of final judgment ;
- 45 6. The General Council shall determine by its by-laws the manner in which the proceedings relative to the said accusations shall be conducted before the said Councils of sections.
20. Each Council shall have the right to require witnesses to appear before it by *subpœnas* in the form of Schedule No. 4, hereunto annexed,

in the name of the *Bâtonnier*, under the seal of the section, and signed by the Secretary, and shall have the same powers with respect to compelling the attendance of witnesses to give evidence as are exercised by the Civil Courts in Lower Canada, and the *subpœnas* or other processes required in virtue of this Act shall be served through a Bailiff of the Superior Court; and any *Bâtonnier* or other person presiding over the Council during the accusation shall have the same power of imposing fines upon witnesses, and of ordering their imprisonment as though for contempt of Court as any Judge sitting in any Court of Justice in Lower Canada. 10

21. The Secretary or any other member of the Council of the section shall administer the oath required by this Act to the witnesses or any other person; and every person guilty of any wilful false statement in any oath required by this Act, shall be guilty of perjury, and shall be liable to the penalties by law imposed therefor. 15

22. Any member accused as aforesaid, may defend himself by counsel, who shall not, however, be chosen from among the Council of the section, before which such accusation is brought.

23. Any member accused who shall consider himself aggrieved by the final or interlocutory judgment rendered by the Council of the section in respect of the accusation made before it, shall not have power to appeal except to the General Council, in the manner hereinafter prescribed, and no judgment of the Council of one of the sections rendered in virtue of this Act shall be reversed, except by means of the appeal in this Act mentioned; 25

2. In order to such appeal, the member aggrieved must deposit, within thirty days after judgment shall have been rendered, in the hands of the Treasurer of the Council of the section by which such judgment shall have been rendered, fifty dollars, which sum shall be repaid to the member demanding the appeal if the judgment of the Council of the section is reversed or modified with costs, but otherwise shall be liable for the costs occasioned by the appeal as shall be decided by the judgments rendered upon such appeal; and no record shall be transmitted to the Secretary-Treasurer of the General Council, unless the deposit hereinbefore required shall have been made and the inscription of appeal shall have been duly served upon the Secretary of the Council of the section, by which such judgment was rendered; and no inscription shall be received until such deposit shall have been made; if such appeal is not made within thirty days after judgment shall have been rendered, such judgment shall be executory without further delay; 40

3. The serving of the inscription and the deposit shall render it obligatory upon the Secretary or other officer of the Council of the section, by which such judgment shall have been rendered at once to transmit to the Secretary-Treasurer of the General Council the record of the accusation made against the member appealing, with the inscription, the certificate of deposit together with the proceedings and copies of all judgments and orders in the case and the Secretary-Treasurer of the General Council shall at once place the case on the roll of appeal. 45

4. Upon the receipt of the record the Secretary-Treasurer of the General Council shall deposit in Her Majesty's Post Office a notice, 46

post paid, of such appeal, and of the day fixed by him for the hearing thereof, which shall not take place before the expiration of fifteen days from and after the depositing of the said notice in the Post Office; such notice shall be addressed to the appellant and to the Bâtonniers of all the sections of the Bar of Lower Canada, requiring them to attend on the day and at the hour and place therein mentioned.

5. In case of the absence, illness or death of any of the Bâtonniers of the said sections, he shall be replaced by the senior member of the Council, and the Secretary of such section shall deliver to such member full powers to act in the room and stead of the Bâtonnier, who is not acting.

6. The Bâtonniers before whom the appeal shall be lodged, one of whom may be the Bâtonnier presiding at the time of the rendering of the judgment appealed from, or a majority of them, may confirm, reverse or alter the judgment, for reason of error either in the judgment or in any interlocutory judgment or order, and may render such judgment as ought to have been rendered, and may award costs; and in the case of a judgment of suspension, may fix the day from which such suspension shall commence. The judgment of the Bâtonnier, together with the record, shall be forthwith remitted to the Secretary of the section from which the record was received; and such judgment shall forthwith be registered by the Secretary, and shall stand as the judgment of the Council of the section, as if originally rendered there.

7. A tariff of fees payable to the Bâtonniers and to the Secretary-Treasurer of the general Council shall be prepared by the general Council, who shall decide by whom such fees shall be paid.

8. In case of the suspension of a member of a section, the Secretary of such section shall give notice thereof to the Secretaries of the other sections, and such member, so suspended, shall not practise in any Court of Justice in Lower Canada during the term of such suspension, and mention shall be made of his suspension on the general list, and on the list of the section to which he belongs, and everything by him done as an advocate after his suspension shall be absolutely null in law.

9. Any member of the Council who absents himself from any of the meetings of the said Council without legitimate cause, shall incur a fine of one dollar, for every such absence.

EXAMINATION AND ADMISSION TO STUDY OR PRACTICE.

10. Every Council of a section may make by-laws to regulate the examinations for admission to the study and the practice of the profession of advocate, and shall appoint in such number as may be necessary and as hereinafter provided, committees of three or five members of the Bar, who shall have practised more than five years as advocates, and who shall not be in any way in arrears for subscriptions or other dues, to examine candidates for the study or the practice of the profession, and it shall be the duty of such committees so appointed, the quorum whereof shall be three:

First. To inquire into the acquirements, capacity and morals of every candidate for the study of the profession, who shall present him-

self before such committee, and to make their report to the Council of the section, who, if the report be favorable, shall give such candidate a certificate of his admission as above mentioned, under the signature of the Bâtonnier, countersigned by the Secretary and under the seal of the section, and if the report be unfavorable, such candidate shall not be allowed to present himself until the next examination. The same shall be the case in respect of a candidate for admission to practice. 5

Secondly. To examine every candidate for admission to practice, on his legal attainments and his qualifications, and to inquire into his morals and the regularity of his clerkship; and if such candidate is found capable and qualified, and to have conformed to all the provisions of this Act, the Bâtonnier of the section, on the report made to him in writing to that effect, shall grant the said candidate a diploma, admitting him to the profession, which diploma shall be in the form of the Schedule No. 1, hereto annexed, and shall be sufficient to authorize the party obtaining such diploma, to practice as an Advocate, Barrister, Attorney, Solicitor and Proctor at law, in all Courts of Justice in Lower Canada, on the said candidate so admitted taking an oath well and truly to perform his professional duties, which oath shall be administered by the Secretary of the section, who shall make a note thereof on the diploma; 10 15 20

2. The said diploma shall be registered at length, in the registers of the section from which the said diploma is issued, in a book kept by the Prothonotary of the Superior Court of the district in which the section is situate, and also in the registers of the general Council, and for each such enregistration the party obtaining such diploma shall pay one dollar; 25

3. Notice in writing shall be given by the candidate to the Secretary of the section at least one month previous, that he intends to present himself to be admitted to study, or to be admitted to practice, which notices shall be posted up by the Secretary in the place where the meetings of the section are generally held, and shall mention the day on which the examination of such candidate or aspirant will take place; 30

4. Meetings for examinations for admission to study or practice shall take place, and be held on the day, and at the hour, and place fixed by the by-laws of the several sections, provided that such meetings shall be held at least once in every three months; and if such examination cannot take place or be concluded on the day fixed, the committees appointed to examine may adjourn from day to day, until the examination of all the candidates shall be concluded. 35

27. No person shall be admitted to examination for admission to the study or the practice of the profession unless he shall have paid into the hands of the Treasurer of the Council of the section the sums hereinafter mentioned, and no person shall be admitted to the study of the profession unless it appears to the committee appointed to inquire into the qualification of the candidate that the candidate is sufficiently acquainted with the English or the French language, and with the Latin language, and that he has received a liberal education subject to the provisions hereinafter contained, and such candidate, after having received the certificate mentioned in the twenty-sixth section, shall cause his articles, passed before notaries, to be registered in a register kept for that purpose by the Secretary, for which registration he shall pay one dollar, and one dollar for the certificate of 40 45 50

for the certificate of registration ; and the time of the clerkship of such student shall be reckoned only from the date of such registration.

28. No. person shall be admitted to practice as an advocate, attorney, solicitor and proctor at law, unless he has attained the full age of twenty-one years, and has studied regularly and without interruption under a notarial agreement as a clerk and student, with a practising advocate during four consecutive years, or three consecutive years, if he has followed a regular and complete course of law in a University, or incorporated college, in which such course of law is established, which course of law shall be subject to the provisions hereinafter contained, and has taken a degree in law in such University or incorporated college ; and such course of law may be followed at the same time that the student is serving his time of study under articles, with a practising advocate, to be verified by the articles of clerkship, the certificate of the patron and the diploma conferring the degree, or unless he is admitted under chapter seventy-five of the Consolidated Statutes of Canada.

2. The Governor from time to time may require of all Universities or Incorporated Colleges, claiming to have established therein such a course of law, a Report fully showing the detailed requirements of such course, and by Order in Council, to be published in the *Canada Gazette*, may declare his approval thereof, if the same are deemed sufficient, or may prescribe such other and further requirements as may be deemed fit ; and no diploma or degree in law shall avail under this section unless granted in conformity with the requirements of such Order in Council.

29. No candidate shall be admitted to practise in any section in which he has not studied ; and if he studied partly in one section and partly in another, he shall be admitted only in the section in which he terminated his clerkship ; and he shall produce a certificate of study from the Council of the section in which he performed a part of his clerkship, which certificate shall be given to him by the *Bâtonnier* under the seal of the section, and this over and above the affidavit required by the preceding section of this Act.

30. Nothing in this Act, nor the repeal by Schedule A of the Consolidated Statutes for Lower Canada of any special Act, nor the repeal of any Act respecting the Bar of Lower Canada, exempting any student or person whatsoever from the operation of any of the foregoing and following sections shall prejudice the right of such student or person to admission to the practice of the profession, or to any exemption or privilege acquired under any such Act, and any person desirous of presenting himself for admission to the practice of the profession may do so at the time nearest to the termination of his clerkship, but he shall not obtain his diploma until after the full completion of his clerkship.

31. In addition to the list hereinbefore mentioned, the Secretary of each section shall keep a book in which the names of all students who have caused their articles of clerkship to be registered, with the date of such registration, shall be entered according to date, and in which book he shall also enter, separately, the names of all the members of the profession in his section, with the date of their admission ; and no person shall practice as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law in any Court of Justice in Lower Canada, unless

his name is entered in the said book, and on the list, and in the register kept by the Prothonotary of the Superior Court for the District in which is situate the section in which such person intends practising.

2. And no Advocate, Attorney, Solicitor or Proctor at Law, shall practise in any Court of Justice in Lower Canada, if he has been, or if he is, or if he shall be convicted of felony or of any other infamous crime, or of any one of the offences enumerated in the twenty-ninth section of chapter ninety-two of the Consolidated Statutes for Lower Canada; and by such conviction he shall lose the privileges granted to him by his diploma, and all proceedings by him shall be null and void from and after the date of such conviction. 5 10

3. The Clerk of the Crown for the Criminal Court by which such conviction shall have been pronounced shall transmit information thereof to the Secretary of the section in which the Advocate so convicted of felony as aforesaid practised, to the end that the name of such Advocate may be erased from the list. And the Secretary of such section shall transmit to the Secretary-Treasurer of the general Council the name of the Advocate so deprived of his privileges to the end that it may be erased from the general list. 15

32. Over and above the fees hereinbefore mentioned, the following fees shall be paid to the Treasurer of each section previous to the examination of any candidate either for the study or the practice of the profession, viz.: for each certificate of admission to the study of the profession, twenty dollars; for each diploma, fifty dollars; and all sums received on account of the section shall form part of the general fund of the section. 20 25

2. The following sums shall be retained by the Treasurer, and shall form part of the general fund of the section, in case of the rejection of the candidate for admission either to the study or to the practice of the profession, viz.:—for admission to study, five dollars; for admission to practice, ten dollars. The Treasurer of the section shall return the balance to the candidate so rejected. 80

ANNUAL SUBSCRIPTION OF MEMBERS.

33. Until the councils of sections shall have otherwise provided by by-law, each member of the profession in each section shall pay annually on the first day of May, into the hands of the Treasurer, the sum of six dollars, which shall form part of the general fund of the section. 35

2. And all members of the bar, paying such subscription annually, shall have the use of the library and books of their section, subject only to such rules as the Council of the section may enact for the regulation of the said library; and the said Council is hereby authorized to make such rules, and from time to time to change the same as it deems proper, to increase the said subscription, and for other purposes. 40

3. No member who has neglected to pay the said subscription or any portion thereof, or any sum legally imposed by the Council of his section, shall be entitled to vote at any meeting of the section so long as he remains in arrears. 45

4. Any member discontinuing the practice of his profession, may relieve himself from the payment of such subscription, during such time as he ceases to practise, by paying all arrears thereof and giving a written notice of his retirement to the Secretary of the Section, who shall inform the Secretary of the General Council thereof, and the fact of his having ceased to practise shall be entered opposite his name on the special list, and such member shall not resume the practice of his profession, nor shall any professional act of his be valid after the giving of such notice, unless he has previously notified the Secretary of the Section of his intention to return to the practise of the profession; in which case the fact of his resuming practice shall be also noted upon the said list, and he shall again become liable thenceforward to the payment of the said subscription.

34. The Councils of Sections may appoint annually a committee of not less than five to be chosen from amongst the members of their respective sections, whose duty it shall be to superintend and take charge of the Library belonging to the section, and to make rules pertaining to the management thereof.

FUNDS OF SECTIONS.

35. The Treasurers of the different sections shall on the first day of May in each year, and whenever they shall be required so to do by their sections, make an exact return of the receipts and expenditure of their respective sections.

36. The Council of each section shall, whenever it shall think proper to do so, examine the accounts of its Treasurer, and no sum shall be expended without an order from the Council, signed by the Bâtonnier, unless such expenditure shall have been ordered by a meeting of the section.

37. All fines and contributions imposed under this Act, and in conformity with its provisions shall be recoverable, with costs, before any Court of Justice having civil jurisdiction in the District in which the defendant resides on a simple certificate of the Bâtonnier, countersigned by the Secretary of the section; and it shall be sufficient, in the declaration for the recovery of such contributions or fines, to set forth the amount demanded, and to mention in a summary manner the period during which such fines have been incurred or such contributions have become due without specially alleging the particular facts of the case.

38. No omission on the part of the councils of sections to meet, and no neglect on the part of any section to proceed to the election of its Council and Officers, shall prevent the other sections from proceeding under this Act to the election of their respective Councils or from carrying this Act into operation, with respect to such sections as are organised or shall any such omission cause the dissolution of the corporation or of any such Council.

55

FORMATION OF NEW SECTIONS.

39. Notwithstanding any alteration in the limits of any District for judicial purposes, the several sections of the Bar in Lower Canada shall not be affected by such alteration, but shall continue with the local limits and jurisdiction they respectively had on the tenth day of June,

one thousand eight hundred and fifty-seven, until altered by Proclamation, and the section of the District of Quebec shall include the Districts of Gaspé and Kamouraska, and that the District of Montreal shall include the District of Ottawa; but the Governor may by Proclamation whenever in his opinion it is expedient, constitute a section or sections of the Bar, in and for any District or Districts which he thinks proper to assign as the local limits of any such section, and the local limits of any previously existing sections may be reduced accordingly by such Proclamation, but their organisation and powers shall not be affected except so far as they depend on such local limits; and any such Proclamation shall take effect as regards each section from the day to be appointed therein for that purpose.

2. And upon, from and after the date of any such proclamation, the District or Districts therein mentioned, shall, under the name of "Bar of Lower Canada, Section of the District or Districts of constitute a separate section of the Bar," and all the provisions of this Act, so far as it is not otherwise herein provided, shall apply to such section.

3. The Council of every such section shall consist of three members of the Bar, besides a Bâtonnier, Syndic Secretary and Treasurer.

4. The first election of the Council in any such section, shall take place within three months after the date of such proclamation, at a meeting to be held at the Court House of the District of the section for which such election is to take place, which meeting shall be called by at least five members of the Bar, practising within the limits of the section, by public notice to be inserted in the *Canada Gazette*, at least fifteen days before such meeting, and by a public notice posted up at the Court House of the section where such meeting is to take place, at least eight days before such meeting.

5. If the limits of such section include two or more Districts, the place at which the election shall be held, shall be named in such proclamation, and the notice of such meeting shall be posted up at the Court House of each District within the limits of such section; and the ordinary meetings of the Council, and of the members of any such section, shall be held at the place where such first election takes place, or at such place as the said Council may fix.

6. No such election shall take place unless there be present at the meeting so called, at least eight members of the Bar practising within the limits of the section.

10. Chapter seventy-two of the Consolidated Statutes for Lower Canada intituled "An Act respecting the Bar of Lower Canada," and the several Acts and parts of Acts amending the same, are hereby repealed, but all transactions, proceedings, matters and things, done and taken under the said Acts, or any of them, shall remain and continue as if no such repeal had taken place, and so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under this Act, and this Act shall be held not to operate as a new law, but shall be construed and have effect as a consolidation and amendment of the law as contained in the said Acts and parts of Acts so repealed, and for which this Act is substituted.

2. Nothing in this Act contained shall be construed to dissolve the Corporation of the Bar of Lower Canada as heretofore existing, which shall be held to continue under this Act and subject to the provisions thereof as one and the same Corporation.

3. By-laws passed by the general Council, or by the Council of any of the sections of the Corporation, and now in force, which may be inconsistent with any of the provisions of this Act, are hereby repealed, and those not repealed or amended by this Act shall continue in full force and effect until repealed by competent authority.

41. The provisions of this Act shall not apply to students at present under articles, except in so far as respects the manner and the time of examination of candidates for admission to practice, as provided by this Act.

42. This Act shall be deemed a public Act.

SCHEDULE No. 1.

DIPLOMA.

Province of Canada, }
District of }

To all to whom these presents concern, Greeting :
I, the undersigned, Bâtonnier of the Bar of Lower Canada, section of the District of in conformity with the provisions of chapter of the Statutes of Canada, passed in the thirtieth year of the reign of Her Majesty Queen Victoria, in pursuance of the certificate to me delivered by three (or several, as the case may be) of the examiners of the said section, dated the , whereby it appears that A. B., of , under the requirements of the said Act, after having served a regular clerkship, as prescribed by law, has undergone before them, on the day of , the examination necessary to his admission to the profession of Advocate; and that from such examination it appears that he is in all respects worthy and qualified to be so admitted, have given and granted to him, according to the provisions of the said Act, the present diploma, conferring on him the right of practising as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law, in all Courts of Law in Lower Canada.

Given at the city (or town) of , under my signature and the seal of this section, and countersigned by the Secretary thereof, on the day of the month of , in the year of our Lord one thousand eight hundred and
[L. S.] C. D., Bâtonnier.

E. F., Secretary.

SCHEDULE No. 2.

ACT OF ACCUSATION.

Province of Canada, } Bar of Lower Canada,
District of } Section of the District of

To the Bâtonnier and the members of the Council of the Bar of Lower Canada, section of the district of

A. B., Esquire, Syndic, elected for the section of the Bar of Lower Canada called section of the district of _____, hereby informs the said section that C. D., Esquire, one of the members of the said Bar, residing in the said section of the district of _____, is accused on the oath of persons worthy of credit, by E. F., of _____, &c., &c., as follows,—that is to say: That the said C. D. [*here recite the offence.*] Wherefore, the said A. B. prays that an order may issue from the section, summoning the said C. D. to appear before the said section, in order that proceedings may be then had on the present information, as to law and justice may appertain.

Done at _____, this _____ day of _____, one thousand eight hundred and _____

(Signed,) A. B., Syndic.

SCHEDULE No. 3.

SUMMONS OF THE ACCUSED.

Province of Canada, } Bar of Lower Canada,
District of } Section of the District of _____

By the Bâtonnier and members of the Council of the Bar of Lower Canada, section of the District of _____

To C. D., Esquire, Advocate, Barrister, Attorney, Solicitor and Proctor at Law, of _____, in the said section of the district of _____

, Greeting:

You are hereby required to appear in person before us, in our chambers in the City of _____, the _____ day of _____, at _____ o'clock in the _____ noon, then and there to answer the charge, a copy whereof is above written, brought against you by A. B., Esquire, Syndic of the said section of _____ . And you are informed that in case of your non-appearance before us on the day and hour and at the place hereinabove mentioned, proceedings will be had by default on the said charge.

Given at _____, under the seal of the said section of the district of _____, and the signature of our Bâtonnier, and countersigned by our Secretary, this _____ day of _____ 18 _____

[L. S.]

(Signed,) F. G., Bâtonnier.

R. S., Secretary.

SCHEDULE No. 4.

SUBPENA.

Province of Canada, } Bar of Lower Canada,
District of } Section of the District of _____

By the Bâtonnier and members of the Council of the Bar of Lower Canada, section of the district of _____

To A. B., of _____, Greeting:

We hereby command you and each of you to appear in person before us, in our chambers in the city (or town) of _____, the _____

day of _____, at _____ o'clock in the _____ noon, to bear evidence and speak the truth on all matters within your knowledge, respecting a charge brought before us by _____, Esquire, Syndic of the Bar of the section of the district of _____, against C. D., Esq., a member of the said Bar; and herein fail not, under a penalty of a fine of _____ dollars.

Given in the city (or town) of _____, under the seal of our section and the signature of our Secretary, this _____ day of _____, 18 _____

[L. S.]
188-15

(Signed,) L. M., Secretary.

