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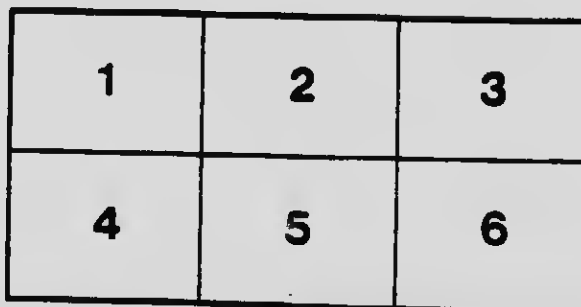
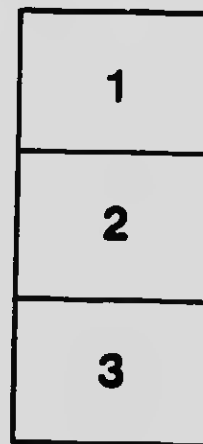
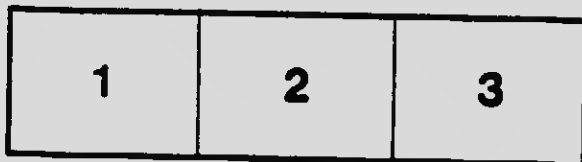
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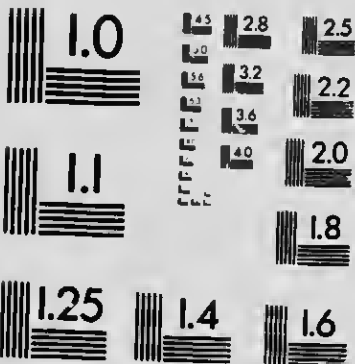
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OF
BRITISH COLUMBIA,

TAKING EFFECT ON THE 4TH DAY OF OCTOBER, 1897.
(With Amendments)

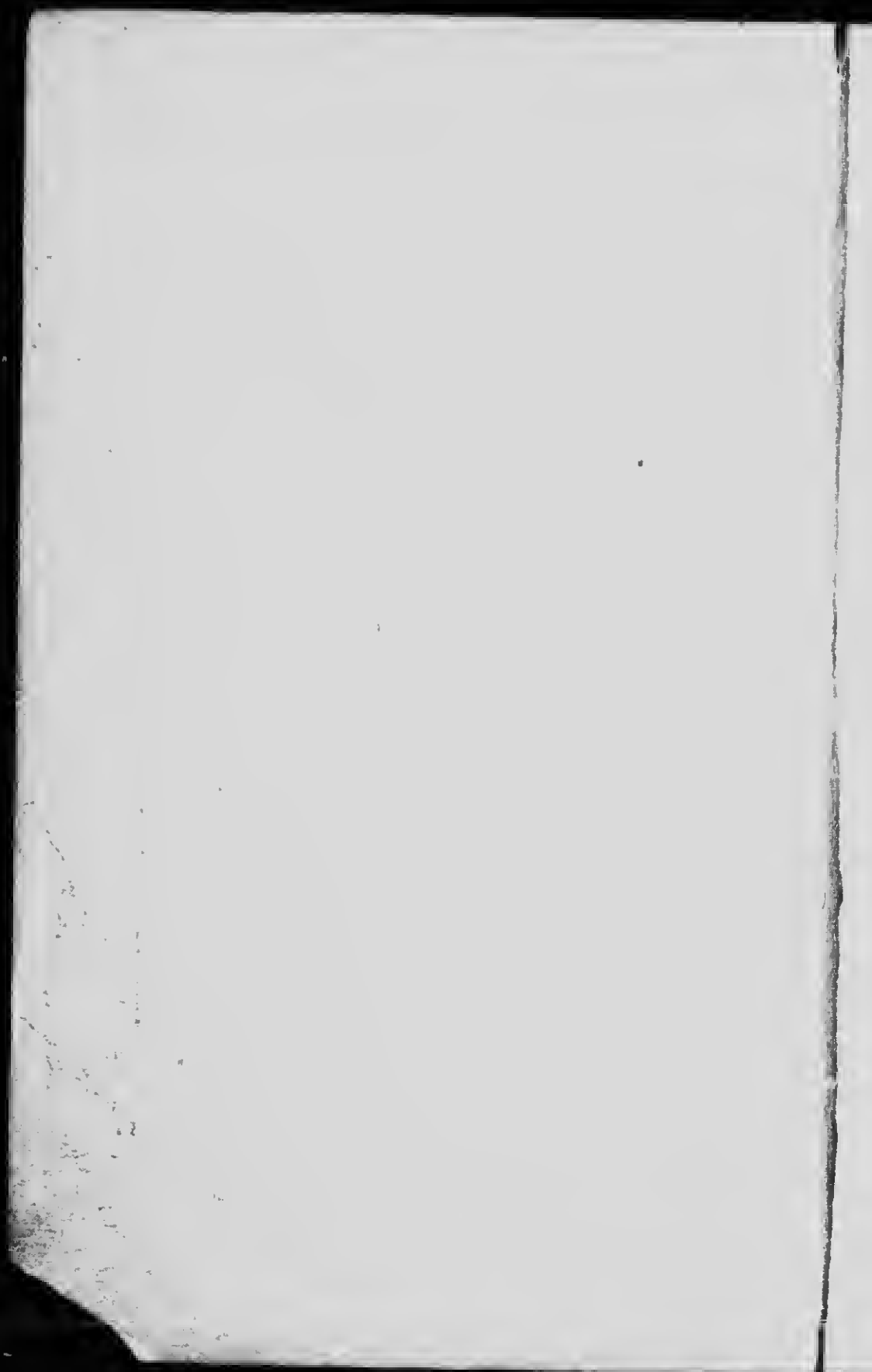
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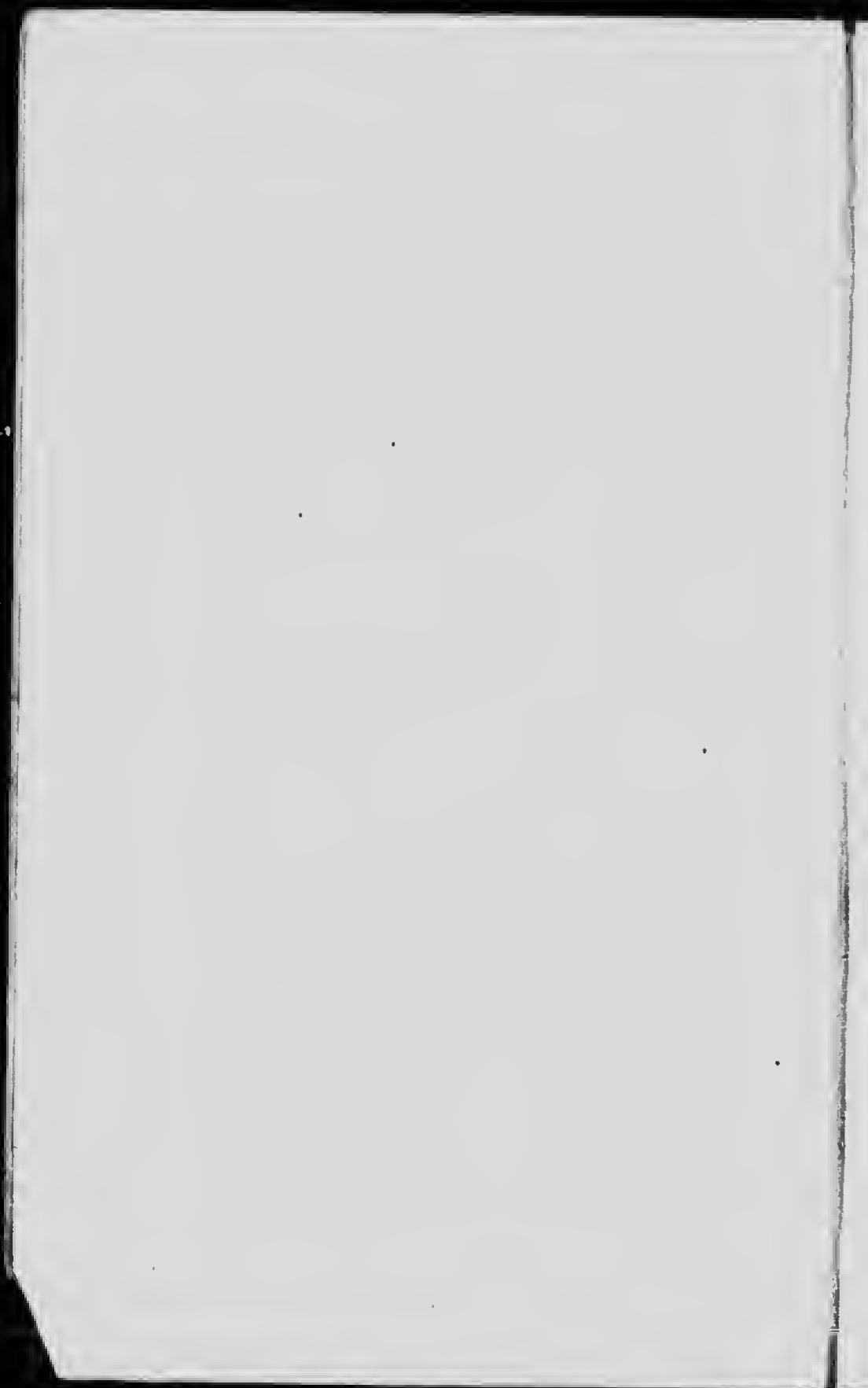
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VICTORIA, B. C.
The Colonist Printing and Publishing Co., Ltd.
1906



LAW SOCIETY OF BRITISH COLUMBIA

VISITORS

THE HONOURABLE THE JUDGES OF THE SUPREME COURT OF BRITISH COLUMBIA.

BENCHERS

Ex-officio.

(See the "Legal Professions Act," Sec. 5.)

THE ATTORNEY-GENERAL FOR CANADA for the time being.

THE ATTORNEY-GENERAL FOR BRITISH COLUMBIA for the time being.

ANY RETIRED JUDGE OF THE SUPREME COURT OF BRITISH COLUMBIA.

The following Gentlemen are Benchers ex-officio:

THE HON. CHARLES FITZPATRICK, K. C.,
Minister of Justice and Attorney-General for Canada.

THE HON. CHARLES WILSON, K. C.,
Attorney-General for British Columbia.

THE HON. JOHN FOSTER MCCREIGHT, THE HON. GEORGE ANTHONY
WALKER, THE HON. MONTAGUE WILLIAM TYRWITT DRAKE,
Retired Judges of the Supreme Court of British Columbia.

Elected for the Year 1905-6:

ERNEST VICTOR BODWELL, K. C.,	Victoria.
EDWARD PRASE DAVIS, K. C.,	Vancouver.
JOHN ELLIOT, Esq.,	Nelson.
HON. CHAS. EDWARD POOLEY, K. C.,	Victoria.
LEWIS GRIFFITH MCPHILLIPS, K. C.,	Vancouver.
GORDON EDWARD CORBOULD, K. C.,	New Westminster.
HON. SIR CHARLES HIBBERT TUPPER, K. C.,	Vancouver.
CHARLES ROBERT HAMILTON, K. C.,	Rossland.
HARRY DALLAS HELMCKE, K. C.,	Victoria.

4
TREASURER, 1897-1908:

THE HON. CHARLES EDWARD POOLEY, K. C.

SECRETARY, SUB-TREASURER, LAW REPORTER AND LIBRARIAN:

OSCAR CHAPMAN BASS, ESQ.,
Barrister-at-Law

**TREASURERS OF THE SOCIETY SINCE ITS INCORPORATION, WITH THE YEARS
DURING WHICH THEY RESPECTIVELY HELD OFFICE:**

- THE HON. MONTAGUE WILLIAM TYRWHITT DRAKE, . . . 12th April, 1884, to 9th Oct., 1889,
Now a Retired Judge of the Supreme Court of British Columbia.
- THE HON. ALBERT NORTON RICHARDS, Q.C., 9th Oct., 1889 to April, 189
- THE HON. CHARLES EDWARD POOLEY, K.C., 1897

RULES.

RULES OF THE LAW SOCIETY OF BRITISH COLUMBIA, PASSED ON THE 4th DAY OF OCTOBER, 1897.

(With Amendments.)

By the Benchers of the Law Society of British Columbia, it is ordained as follows:—

1. The interpretation clauses of the Interpretation Act of British Columbia, shall, so far as material and applicable, be considered as also applying to the rules and orders of the Society in like manner as if expressly incorporated therewith.

2. All former rules of the Society are hereby repealed: Provided that the Benchers may, in their discretion, where they consider that compliance with these rules would be a hardship, permit any Student-at-Law or Articled Clerk whose name is now enrolled on the books of the Society, to complete such portion of his term under the rules hereby repealed and may dispense with such of the examinations required by these rules as to the Benchers may seem right on application by such student or clerk to the Benchers.

THE SOCIETY.

3. The permanent seat of the Law Society shall be at the Law Courts, in the City of Victoria.

SEAL.

4. The Seal of the Society shall consist of an oval cartouche of renaissance design:

Thereon a sword erect in pale, pommel in base, sustaining a pair of scales:

For a Crest: The Badge of the Province:

Motto: *Lex Liberorum Rex.*

Surrounded by a scroll containing the words: "The Law Society of British Columbia."

In exergue: "Incorporated, 1884."

5. The custody of the Seal of the Society shall belong to the Secretary for the time being, who shall countersign every instrument to which he shall affix such seal.

ROLLS AND RECORDS.

6. The Secretary shall, during the term of his office, safely keep the Rolls and Records of the Society, and no alteration or addition shall be made in or upon the same, except under the authority of a resolution of the Benchers.

MEETINGS OF BENCHERS.

7. The regular meetings of the Benchers shall be held at the City of Victoria, on the first Monday of January, April, July and October in every year.

8. Special meetings may be held on the written request of two Benchers addressed to the Secretary. Notices stating the objects of the special meeting, and the time fixed therefor, shall be sent by post by the Secretary to each Bencher at least five days before the day of meeting.

9. The Treasurer or any two Benchers may, if any unforeseen emergency render it necessary, summon a special meeting of the Benchers by giving notice thereby by telegraph or otherwise, at least two days previous to the day of meeting.

10. Any four Benchers shall be a quorum and in default of a quorum after the lapse of thirty minutes beyond the hour of the meeting the Treasurer, or in his absence the senior Barrister present may adjourn the meeting to any other day previous to the next regular day of meeting.

11. The proceedings of the Benchers shall be conducted as nearly as may be according to the ordinary Parliamentary mode.

12. After any question is put no further debate on the question shall be allowed, but the yeas and nays shall be recorded at the request of any Bencher.

13. The order of business at the regular meetings of the Benchers shall be as follows:

- (1.) Reading of minutes of last meeting.
- (2.) Matters arising out of the minutes.
- (3.) Communications—General business.
- (4.) Reports: Secretary's, Examiners', Reporter's, Credential and other Committees' Reports.

- (5.) Petitions.
- (6.) Complaints.
- (7.) Notices of Motion.

14. It shall be the duty of the Secretary, at each meeting of the Benchers, to read the minutes of the previous ordinary or special meeting, which after being approved shall be signed by the Treasurer, or the Chairman *pro tem*.

15. The following Standing Committees shall be annually elected at the first meeting of the newly elected Benchers in every year, and shall hold office until the election of their successors:

- | | |
|---------------|-----------------|
| 1. Finance. | 4. Discipline. |
| 2. Library. | 5. Credentials. |
| 3. Reporting. | |

16. Each Standing Committee shall consist of four members in addition to the Treasurer, who shall be *ex-officio* a member of all Standing Committees and three members shall be a quorum.

17. Any vacancy in any committee shall be filled up at the first business meeting of the Benchers held after the occurrence of such vacancy.

18. The Treasurer shall preside as Chairman at all meetings, and in his absence the senior Barrister present at any meeting shall be Chairman.

OFFICERS.

19. There shall be the following salaried or paid officers of the Society:

- (1.) A Secretary who shall be *ex-officio* Sub-Treasurer and Librarian.
- (2.) A Reporter and Assistant Reporters as required.
- (3.) Examiners.
- (4.) Assistant Librarians.

The Secretary and Assistant Librarians shall be severally required at all times to discharge the duties of any officer of the Society when required by the Benchers, or by the Treasurer, or by the Chairman of any Committee having supervision over the functions or duties to be discharged.

20. All offices in the gift of the Society shall be held during the pleasure of the Benchers.

21. All officers shall be appointed by resolution of the Benchers, except that it shall be competent for the Treasurer to temporarily fill any vacancy which the exigencies of the case may require to be filled.
22. The officers above mentioned shall be paid such salaries or fees as the Benchers shall fix.

THE SECRETARY.

23. In addition to the duties required of the Secretary by any statute:
- (1.) He shall be the custodian of all documents, papers and books (except the Treasurer's books of account and securities) belonging to or filed with the Society.
24. He shall keep a record or minute of all proceedings of the Benchers, in a book to be called the Minute Book, and such record or minute shall, after being read and confirmed at a subsequent meeting of the Benchers, be signed by the Chairman and Secretary, and he shall also conduct all necessary correspondence, prepare all necessary diplomas, certificates and other documents appertaining to his department, and perform all other services incidental to the office.
25. He shall, five days before the dates for the various examinations, notify the respective examiners of the number of candidates who have given due notice of their intention to present themselves for examination at the various examinations.
26. He shall after the result of each examination has been declared, post in a conspicuous place in the Library at Victoria a list shewing the names of the successful candidates.
27. He shall, between the first and tenth days of March preceding the day of election of Benchers, send by mail a voting paper in the form required by the statute, to each member of the Society entitled to receive such voting paper, and shall also between the said first and tenth days of March, cause to be posted up in a conspicuous place in all the Libraries of the Society a printed copy of the list of the Barristers and Solicitors who are entitled to vote at the succeeding election of Benchers.
28. He shall, on or before the first Monday in September in each year, notify all practising Barristers and Solicitors of the rules relating to the payment of their annual fees.
29. The Secretary for the time being shall be required to give security by bond of some Guarantee Company to the Society to the extent of \$2,500, for the due performance of the duties of his office, including the duties of Sub-Treasurer, the Society to pay the premium therefor.

FINANCE COMMITTEE.

30. The Finance Committee shall be charged with the management of the finances of the Society, and all matters relating to its resources and expenditure, and may appropriate from time to time such sums as may be required for expenditure by other Standing Committees and shall certify such other accounts as may be due by the Society, and order their payment.

31. The annual statement of receipts and expenditure shall be printed, and in accordance with the "Legal Professions Act," Sec. 31, a copy of such statement shall be sent by mail to every member of the Society at least ten days before the first Monday in March.

32. The Bank of Montreal or other chartered bank duly authorized by the Finance Committee, shall be the bank of deposit and account for the Society, and the Secretary shall, from time to time, deposit therein to the credit of the Society all moneys received for and on account of the Society, which being done, such deposit shall exonerate the Secretary making such deposit.

33. The moneys of the said Society, deposited in the said bank, when required for payment of salaries, contingencies and other accounts, from time to time required to be paid by the rules or orders of the Society, or by any Committee acting under or in accordance with any such rules or orders shall be drawn and paid out upon a cheque signed by the Secretary and countersigned by any two members of the Finance Committee or by the Treasurer.

LIBRARIES.

34. The Librarian shall have the immediate and general charge of all the Libraries of the Society under the superintendence of the Library Committee.

35. The Library Committee shall assume the general superintendence and management of the Libraries, and shall purchase such books as in their judgment may be necessary.

36. The following shall be the rules for the regulation of the Libraries:

- (1.) The Libraries shall be kept open for the use of the Judges of the Supreme and County Courts, Barristers and Solicitors who have paid their annual fees, Registrars of the Courts and of Titles, Students-at-law, Articled Clerks and applicants entered on the books of the Society for call or admission: Daily from 9.30 a. m. until 5 p. m., or until the Courts rise if sitting at five o'clock, except as hereinafter mentioned.

In the Long Vacation daily from ten o'clock a. m. until two o'clock p. m.

In the Christmas Vacation daily from ten o'clock a. m. until four o'clock p. m.

- (2.) The Libraries shall be closed on Sunday and on New Year's Day, His Majesty's Birthday, Dominion Day, Christmas Day, Easter Monday, and any other day set apart by public proclamation as a holiday, and in the event of any of the said holidays falling upon a Sunday, the following day; and on Saturday at one o'clock p. m., except when the Courts are sitting.
- (3.) No conversation shall be carried on in the Library.
- (4.) No person shall place his hat, great coat, cloak, etc., on any table or chair in the Library.
- (5.) No book shall be taken out of the building in which the Library is situated.
- (6.) It shall be the duty of the Assistant Librarians to report to the Secretary any infringement of the rules or orders of the Society for the regulation of the Libraries.
- (7.) The Judges of the Supreme and County Courts shall be at liberty to take books from the Library, upon application to the Librarian or Assistant Librarian, and any member of the Law Society in good standing requiring the use of any book upon the argument of a case in the building in which the Library is situated shall be at liberty to have such book upon application to the Librarian or Assistant Librarians, such book to be returned to its place in the Library within a reasonable time after the close of the argument for which it may have been required.
- (8.) For the application to the Librarian or Assistant Librarian mentioned in the last sub-section, it shall be sufficient to enter the name and volume of the book required and of the person taking the same in a register book, one of which shall be kept in each of the Libraries for that purpose.
- (9.) If any member of the Society or other person entitled to use the Library shall fail to observe the regulations relating to the Libraries, any two of the Discipline Committee may deprive such offending member of the use of any of the Libraries for such time as they may deem proper, and the names of any suspended members shall be posted in the Libraries. Any person feeling

aggrieved at the action of such Benchers may appeal to the Benchers from such decision at their next meeting.

ADMISSION AND ENROLMENT.

37. The Committee on Credentials shall superintend the admission and enrolment of candidates as Students-at-law and Articled Clerks, and shall report thereupon to the Benchers in the manner hereinafter provided.

38. Students-at-law and Articled Clerks shall be admitted or enrolled in the months of January, April and July.

39. No person shall be admitted or enrolled who is not of the full age of 16 years.

40. Notice in the Form A in the Appendix of the intention of any person to apply for admission as a Student-at-law or enrolment as an Articled Clerk and containing the name, address and family residence of the candidate, must be delivered to the Secretary of the Society on or before the first Monday in the month preceding the month in which he seeks admission or enrolment.

41. A graduate in the Faculty of Arts or Law in any University in His Majesty's Dominions empowered to grant the Degree of Bachelor or Master of Arts, or Bachelor or Doctor of Laws, or a cadet of the Royal Military College, Kingston, who has received his diploma of graduation or a matriculant in the Faculty of Arts in any recognized University of Great Britain or Ireland or the Dominion of Canada, or any person who would under the provisions of the Solicitors' Act, 1877, of England, or of any regulations made thereunder be relieved from passing a preliminary examination prior to becoming bound under articles of clerkship in England, shall not be required to pass the preliminary examination, but shall comply with these rules in all other respects, and he shall in addition exhibit to the Benchers his diploma, testamur, certificate or other satisfactory evidence of his being entitled to such exemption.

42. Every applicant for admission or enrolment as a Student-at-law or Articled Clerk shall at the time of giving the notice hereinbefore referred to, file with the Secretary a satisfactory certificate in the Form B in the Appendix signed by two practising members of the profession that the applicant is a person of good moral character.

43. Personal attendance of any applicant for admission or enrolment as a Student-at-law or Articled Clerk shall not be necessary.

44. Every candidate for admission shall at the time of giving the notice aforesaid deposit with the Secretary the amount of fees

payable on admission, and every candidate for enrolment as Articled Clerk only shall do the like; his form of notice however, to be varied to suit his case.

45. Upon compliance with the above requirements, and upon passing the examination hereinafter provided, the candidate shall be entitled to be entered on the books of the Society as a Student-at-law or Articled Clerk, or both, as the case may be. The Articles of Clerkship of any Articled Clerk may be in the Form P in the Appendix and any assignment of such Articles may be in the Form Q in the Appendix, and the declaration of the execution thereof required to be annexed thereto shall be in the Form R in the Appendix.

46. Graduates shall be classed according to their rank, if graduates of the same University; or according to the dates of their diplomas or degrees if graduates of different Universities. Candidates not graduates must be classed according to their merit.

SERVICE.

47. The term of attendance at Barristers' chambers before call to the Bar, and of service under articles before admission as Solicitor shall be five years, except in the case of Students-at-law who, previously to having been entered on the books of the Society shall have attained the Degree of Bachelor or Master of Arts, or Bachelor or Doctor of Laws in any recognized University of Great Britain or Ireland, or the Dominion of Canada, and of Articled Clerks who previously to having been articled shall have attained the Degree of Bachelor or Master of Arts in any such University, in any of which cases the term of five years shall be reduced to three.

48. The term of attendance or of service under articles shall be effectua' only from the date of entry on the books of the Society.

49. No person attending in the chambers of a Barrister in pursuance of the foregoing rules shall, during his term of attendance, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of a Student in attendance, and no person bound by articles of clerkship to any Solicitor, shall, during the term of service mentioned in such articles, hold any office of emolument, or engage or be employed in any occupation whatever, other than that of clerk to such Solicitor, or his partner or partners (if any) in the business, practice or employment of a Solicitor: Provided that any Student-at-Law or Articled Clerk may, during his term of attendance or of service, hold the office of Librarian in any of the Libraries of the Society, or of Reporter for the Society, and may receive emolument for same, his attendance, however, at such Library or in Court for the purpose of performing such duties to be

limited in accordance with the terms of his agreement with the Law Society.

50. Any Student-at-law or Articled Clerk studying or bound within the Province who may desire to complete his studies (who may desire during a portion of his term to pursue his studies, or serve his Articles outside the Province, shall give written notice to the Secretary of the Society in Form C in the Appendix of such desire, which notice shall state at what place and during what portion of his term he wishes to pursue his studies or serve under Articles outside the Province, the name of the Barrister or Solicitor with whom, or the Law School at which, he proposes to study, and every Student-at-law or Articled Clerk shall, in addition thereto, file with the Secretary of the Society the written consent of the Barrister in whose chambers such student is studying, or of the Solicitor to whom such Articled Clerk is bound, permitting such Student-at-law or Articled Clerk to pursue his studies or serve such portion of his term outside the Province.

On receipt of such notice and consent the Secretary shall lay the application before the Benchers, who may give permission to the Student or Articled Clerk to pursue his studies or serve his Articles for the time mentioned in such permission with such Barrister or Solicitor, or in such Law School as may be stated in such permission, and the period so spent in such Law Office or such Law School shall be considered as part of the period of five years' or three years' term of study required by statute, provided however, that before such Student or Articled Clerk shall be called or admitted as hereinafter provided he shall obtain from such Barrister or Solicitor, or from the proper officer of such Law School, answers to such questions in Schedules A and B to Rules 61 to 64 as may be applicable to his case, and also a Certificate in the form required by Schedule C to Rules 61 and 64.

EXAMINATIONS.

51. All examinations shall be held at the following dates, that is to say: the second Monday in December; the fourth Monday in March; and the fourth Monday in June, in each year.

PRELIMINARY EXAMINATIONS.

52. Previously to the name of any candidate being entered on the roll as a Student-at-law or Articled Clerk (except in the cases provided for in rule 41), he shall pass an examination in the following subjects:

- (a.) English History, Charles I., to date.
Canadian History, from the Treaty of Paris.
- (b.) Geography.

- (c.) Arithmetic.
- (d.) Algebra, to Quadratic Equations, inclusive.
- (e.) Euclid, Books I, II, and III.
- (f.) English:—

Composition: An essay, to which special importance will be attached, on one of several themes set by the examiners. In order to pass in this subject, legible writing, correct spelling and punctuation, and proper construction of sentences are indispensable. The candidate should also give attention to the structure of the whole essay, the effective ordering of the thought, and the accurate employment of a good English vocabulary. About two pages of foolscap are suggested as the proper length for the essay; but quality, not quantity, will be mainly regarded.

One examination paper.

Literature: Such questions only shall be set as may serve to test the candidate's familiarity with, and intelligent and appreciative comprehension of, the prescribed texts. The candidate will be expected to have memorized some of the finest passages. In addition to the questions on the prescribed selections, others shall be set on a "sight passage" to test the candidate's ability to interpret literature for himself.

One examination paper.

Tennyson: Lady of Shalott, Lotus Eaters, Oenone, The Epic and Morte d'Arthur, Ulysses, "You ask me why," "Of old sat Freedom," "Love thou thy land," "St. Agnes' Eve," "Break, break, break," Sir Galahad, "Tears, idle tears," and the six interlude songs from The Princess, The Brook, Ode on the Duke of Wellington, Charge of the Light Brigade.

Shakespeare: Julius Caesar.

Coleridge: The Ancient Mariner, Youth and Age.

Shelley: To a Skylark.

Burns: Address to the Unco Guid, or the Rigidly Righteous.

Wordsworth: Intimations of Immortality from Recollections of Early Childhood.

- (g.) Vergil Aeneid, Book II. (1-505).
Caesar, Bellum Gallicum, Book IV. (omitting Cap. 17).
Latin Grammar.
- (h.) French Grammar, Telemaque par Fenelon.

INTERMEDIATE AND FINAL EXAMINATIONS.

53. There shall be three examinations for call and admission of Students and Articled Clerks in addition to the preliminary examination, such examinations to be passed as follows:

(1.) In the case of five year Students, at or at any time after the end of the 2nd, 4th and 5th years respectively, or at the regular examination held immediately preceding any such date.

(2.) In the case of three year Students, at or at any time after the end of the 1st, 2nd and 3rd years respectively, or at the regular examination held immediately preceding any such date.

54. The subjects and books for examination shall be as follows:

FIRST INTERMEDIATE.

- Contracts..... Anson.
- Common Law..... Indermaur.
- Real Property..... Williams.
- Equity..... H. Arthur Smith.
- County Courts Act and Rules.

SECOND INTERMEDIATE.

- Pleading..... Odgers.
- Real Property..... ~~Smith's~~ Landlord and Tenant.
- Evidence..... Stephen's Digest.
- Personal Property..... Williams.
- Torts..... Underhill.

- Statutes.....
 - Law and Equity Act,
 - Supreme Court,
 - Land Registry,
 - Execution,
 - Trustees and Executors,
 - Married Woman's Property Act,
 - Mechanics' Liens,
 - Municipalities,
 - Evidence,
 - Partnership.

SOLICITOR.

- Wills..... Hawkins. *Sheehy*
- Contracts..... Leake.
- Torts..... Pollock.
- Equity..... Story. *Sheehy*

✓ Executors.....	Walker & Elgood.
Choses in Action.....	Keboe.
Statutes.....	{ Criminal Code, Statute Law of British Columbia and the Dominion of Canada.
Pleading and Practice in British Columbia Courts.	

BARRISTER.

Common Law.....	Broom.
Contracts.....	Pollock.
Equity.....	Snell.
Evidence.....	Stephen's Digest. <i>Ph</i>
✓ Bills and Notes.....	Byles. <i>Ph</i>
✓ Criminal Law.....	{ Harris, and Criminal Practice and Pro- cedure under Code.
Constitutional Law.....	
Jurisprudence.....	Maine's Ancient Law.
Pleading and Practice in the Courts of British Columbia.	
Statute Law of British Columbia and Dominion of Canada.	

55. At all examinations the candidates shall write under numbers, and the names to which such numbers correspond shall be known only to the Secretary, who after the examination is concluded shall hand the list of same to the Benchers. The Examiners shall not be present while the candidates are writing, but the Secretary or other person appointed by the Secretary shall preside.

56. Candidates intending to present themselves for either of the Intermediate Examinations must give at least two weeks' notice in writing to the Secretary, which notice must be accompanied by the prescribed fee and the notice shall state the candidate's standing in the Society and the dates at which he passed any prior examinations (if any), and may be in the Form D in the Appendix, with such changes or variations as the circumstances may require.

57. Candidates for all final examinations must pay the prescribed fee before taking the examination.

58. At the conclusion of each examination the Examiners shall report to the Benchers the percentage of marks obtained in each subject by the candidates, and the Benchers shall by resolution declare the names of the candidates who have passed such examinations.

CALL TO THE BAR AND ADMISSION AS A SOLICITOR
OF STUDENTS AND ARTICLED CLERKS.

59. No student-at-law entered on the books of the Society shall be called to the Bar, and no Articled Clerk shall be admitted as a Solicitor, unless he be of the full age of 21 years, nor without having passed the required examinations and in all other respects complied with the statutes and rules of the Society.

60. Every candidate for call to the Bar must deliver a written notice in the Form E in the Appendix hereto, to the Secretary at least two weeks before the date of the examination, and also his petition for call in the Form F in the Appendix hereto. The prescribed fees must accompany the notice.

61. Every candidate for call to the Bar, shall, with his petition for call, leave with the Secretary of the Society answers to the several questions set forth in Schedule A of this Rule, verified by the declaration in the Form G in the Appendix, 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 50, together with the certificate provided for in Schedule C 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 *bona fide* attended during your whole term of years in the chambers of some Barrister? If so, give the name and address of such Barrister. And, if not, state the reason.
- 3rd. Have you, at any time during the said Term, been absent without permission of the Barrister in whose chambers you attended? And, if so, state the length and occasion of such absence.
- 4th. Have you, during the period of your attendance, been engaged or concerned in any profession, business or employment other than your professional employment as Student in attendance?
- 5th. Have you, since the expiration of your said Term, been engaged or concerned, and for how long a time, in any, and what profession, trade, business or employment, other than the profession of a Barrister?

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 *bona 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 permission? And, if so, state the length and occasion of such absence.

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

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

SCHEDULE C.

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

62. The diploma of a Barrister of the Society shall be in the Form H in the Appendix.

63. Every candidate for admission as a Solicitor must deliver to the Secretary at least two weeks before the date of the examination a written notice in the Form I in the Appendix hereto; and also, his petition for admission in the Form J in the Appendix hereto. The prescribed fees must accompany the notice.

64. Every candidate for admission as a Solicitor who has served under articles shall with the petition leave with the Secretary answer to the several questions set forth in Schedule A of this Rule, certified by his statutory declaration in the Form G in the Appendix, and also answers to the questions set forth in Schedule B of this Rule, signed by the Solicitor with whom such candidate has served his clerkship, together with the certificate in Schedule C, 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 the permission of the Solicitor or Solicitors to whom you were articled or assigned? And, if so, state the length and occasion of your absence.

4th. Have you, during the term 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 articled 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?

SCHEDULE B.

The following questions are to be answered by the Solicitor 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 Term 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?

SCHEDULE C.

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.

65. The diploma of a Solicitor shall be in the Form K in the Appendix.

66. In case any such candidate for call or admission, or both, at the time of leaving his petition and papers with the Secretary of the Society, as hereinbefore provided, proves to the satisfaction of the

said Secretary, that it has not been in his power to procure the answers to the questions contained in the said Schedule B or the Certificate of service therein also contained, the said Secretary shall state such circumstances specially in his report upon such candidate's petition.

CALL OF SOLICITOR OF THE PROVINCE AS BARRISTER AND ADMISSION OF BARRISTER AS SOLICITOR.

67. The Benchers may call to the Bar any Solicitor of the Province of British Columbia, who is in good standing and who has been in actual practice for one year immediately preceding his application so to be called, upon such Solicitor complying with the provisions of Rule 60 and upon his passing the final examination required for Barristers in Rule 54. The petition in addition to what is required by Form F in the Appendix shall shew when such Solicitor was admitted and where he has practised in the Province of British Columbia.

68. The Benchers may admit as a Solicitor any Barrister of the Province of British Columbia who is in good standing and who has been in actual practice for one year immediately preceding his application to be admitted as a Solicitor, upon such Barrister complying with the provisions of Rule 63, and upon his passing the examination required for Solicitors in Rule 54. The petition in addition to what is required by Form J in the Appendix shall shew when such Barrister was called and where he has practised in the Province of British Columbia.

RULES AS TO PRESENTATION OF BARRISTERS TO COURT AND ADMISSION OF SOLICITORS.

69. After the Benchers shall have declared the names of the candidates who have passed the final examination for call or admission, they shall if the candidates have in other respects conformed to the rules of the Society, pass a resolution calling or admitting, as the case may be, such successful candidates.

70. On the first day of any sitting of the Full Court after the passing of such resolution, such of the Barristers and Solicitors as have been thus called or admitted who shall desire to be sworn in shall present themselves at the Benchers' Room in the proper costume of the Court.

71. On the assembling of the said Full Court, the gentlemen who have thus presented themselves for call and admission at the Benchers' Room shall be severally presented to the Court by some one of the Benchers who shall be in attendance for that purpose, and thereupon they shall take the oaths prescribed in that behalf by the "Legal Professions Act."

72. No person shall be sworn in as a Barrister or Solicitor except at the times and in the manner provided for in the preceding rules.

Provided, however, that any Barrister or Solicitor called or admitted by the Benchers, who may be unable to present himself on the first day of any such sitting of the Full Court as aforesaid, may on proof to the Benchers that such inability was caused by illness, and with the consent of the Benchers, present himself and be sworn in on such subsequent day of such sitting as the Benchers may fix.

ADMISSION OF BARRISTERS AND SOLICITORS FROM OTHER PARTS OF THE BRITISH DOMINIONS.

73. Applicants (from other parts of the British Dominions) for call or admission, pursuant to section 37 of the "Legal Professions Act," must file with the Secretary an application in writing to be entered on the books of the Society. Such application shall state the full name of the applicant, the name of the Court and country in which he is entitled to practise, and whether the application is for call or admission or both. The application must be verified by a statutory declaration of the applicant in the Form M in the Appendix, and shall be as nearly as possible in the Form L in the Appendix.

74. Every such applicant, before enrolment, must deposit with the Secretary the prescribed fee, ~~fifty dollars~~, and furnish satisfactory proof:

- (a.) Of his call or admission or both, as the case may be, and that he still remains in good standing as such Barrister or Solicitor; and that since his admission or call no adverse application has been made to any Court or Courts to strike him off the roll of any Court, or otherwise to disqualify him as such Barrister or Solicitor; that 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.
- (b.) Of good moral character and repute. See Form N in the Appendix.
- (c.) [Repealed.]
- (d.) In case any adverse application has been made as mentioned in sub-section (a) of this rule, the applicant shall set forth the facts and circumstances, and shew the result, certified to by the proper officer having the record thereof.

75. The applicant shall make a list of the papers sent to him and shall attach the papers together in the order specified in the said list, and shall forward the list and papers to the Secretary.

76. Upon compliance with the three preceding rules, the Secretary shall submit the papers to the Credentials Committee for perusal and report, and if the Committee shall report favourably thereon, the Secretary shall enter the name of the applicant on the books of the Society as an applicant for call or admission, or both, as the case may be. And the Benchers shall by resolution at their next meeting confirm or cancel the entry, but such entry may at any time thereafter before the applicant shall have been called or admitted be cancelled by the Benchers for good cause shewn.

77. No person shall be entered on the books of the Society as an applicant until his papers are complete.

78. [Repealed.]

79. Before call or admission every applicant shall file a statutory declaration that since his entry on the books of the Society he has not practised, or assumed to act, or held himself out to the public in any way, as a person qualified to act as a Barrister or Solicitor, or has not in this Province advertised or held himself out, with the object of obtaining legal practice in the Province, to be a Barrister, Advocate or Solicitor of any other Province or country; and shall also file with the Secretary a certificate signed by two Barristers or Solicitors in good standing, which certificate shall be in the Form O in the Appendix.

80. Examinations shall be held at the same time and place as the regular examinations for call and admission, and every applicant who intends to present himself for examination must give two weeks' notice in writing to the Secretary of his intention so to present himself for examination.

81. Every person who has been duly called and admitted to practise as an Advocate in the Court of Session of Scotland, or who has been called and admitted to practise as a Barrister-at-law or Advocate, or who has been duly admitted to practise as a Solicitor, Law Agent, or Attorney in any of His Majesty's Colonies, Dependencies, Territories or Provinces of Canada where the Common Law of England is not the Common Law of the land, shall, in addition to complying with the rules of the Law Society respecting admission or call of Barristers and Solicitors from other parts of the British Dominions, give notice to the Secretary of his intention to present himself for call or admission, or both, as the case may be, in the Forms E and J in the Appendix, and shall pass the final examination required in the case of Students-at-law and Articled Clerks.

82. Applicants for call to the Bar, who have been duly called in any part of His Majesty's Dominions, where the term of study before call is less than five years shall, before call by the Benchers attend in the chambers of a Barrister in British Columbia, in good standing, for

a period of time sufficient with the term of study already spent by him in the part of His Majesty's Dominions where such applicant was called, to make up for the full term of five years.

83. Applicants, in the last preceding rule mentioned, shall in addition to complying with the other rules of the Law Society respecting call to the Bar of Barristers from other parts of the British Dominions, comply with the provisions of Rule 61, and the Schedules thereto, with such changes only as may be necessary.

84. Every applicant for admission as a Solicitor who has been duly admitted in any part of His Majesty's Dominions where the period of service under articles is less than five years, shall before being admitted as a Solicitor by the Benchers sign articles in the Form P in the Appendix, to a Solicitor of the Supreme Court of British Columbia, in good standing, and shall serve with him a period of time sufficient with the period of time served by him under articles in the part of His Majesty's Dominions where such applicant was admitted, to make up the full term of five years.

85. Applicants in the last preceding rule mentioned shall in addition to complying with the other rules of the Law Society, respecting admission as a Solicitor or Solicitors from other parts of the British Dominions, comply with the provisions of Rule 64 and the Schedules thereto, with such changes only as may be necessary.

PROCEDURE IN CASE OF APPLICATION TO DISBAR OR STRIKE OFF THE ROLL.

86. Whenever any complaint shall be made charging a Barrister, Solicitor, Student-at-law or Articled Clerk with misconduct under the provisions of the "Legal Professions Act," such complaint shall be reduced to writing, and shall be submitted by the Secretary to the Discipline Committee.

87. If the said Committee, after investigation, are satisfied that a *prima facie* case has been made out, they shall report such complaint to the Benchers, who may upon such report, if they see fit, appoint a time and place for the investigation of the said complaint.

88. In case the Benchers decide to investigate the said complaint the Secretary shall send a copy of the complaint to the person against whom it is made, and shall cause a written notice to be served upon such person and as well upon the complainant, or his agent, stating the time and place appointed for such investigation.

89. The Benchers may, if they think fit, adjourn any such investigation from time to time.

90. The Treasurer shall appoint counsel to conduct the investigation on behalf of the Society, and on such investigation any person against whom a complaint is made may be represented by counsel.

91. The Benchers may require the complainant in any case which they decide to investigate, to make an affidavit setting out fully the facts and circumstances giving rise to such complaint, which affidavit shall be intitled "In the matter of. . . . a Barrister or Solicitor of the Supreme Court, *ex parte*"—a copy of which affidavit shall be served on the person complained of and on the return of the notice the person complained of shall answer the matters deposed to *viva voce* or on affidavit as the Benchers may require.

The Benchers may, if in their opinion there is no need of further investigation, either punish the person complained against, or dismiss the complaint, or may proceed to investigate further in the manner provided for in the next succeeding Rule and they may take evidence by affidavit or *viva voce* on oath, and may issue a summons to any person to give evidence or to produce documents, which summons shall be, as nearly as may, in the forms of subpoenas in use in the Supreme Court.

92. Any resolution which shall disbar, disqualify or suspend from practice or strike off the rolls any Barrister or Solicitor shall be reduced to writing and passed by a majority of at least two-thirds of the Benchers present, and only those Benchers who have been present throughout the whole proceedings and who have heard all the evidence shall be deemed present within the meaning of this Rule, and the Treasurer or other presiding officer shall note upon the said resolution the names of the Benchers present and their vote, and shall certify the same under his hand, and such resolution shall thereupon be filed among the records of the proceedings.

93. In case the parties or any of them shall fail to appear pursuant to the notice at the time and place appointed for such investigation, or at any adjournment thereof, the Benchers may thereupon proceed in his or their absence.

94. All statements made and evidence taken on such investigation otherwise than by affidavit shall be made or taken under oath and shall be taken down in writing in the form of a deposition and shall be read over to the witness in the presence of the person complained against and his counsel, if he be represented by counsel, and shall be signed by the witness. Provided that the evidence upon such investigation may be taken in shorthand by a stenographer who may be appointed by the Treasurer or presiding Bencher, and who before acting shall make oath that he shall truly and faithfully report the evidence, and where evidence is so taken it shall not be necessary that such evidence be read over or signed by the witness, but it shall

be sufficient if the transcript be accompanied by an affidavit of the stenographer that it is a true report of the evidence.

95. Upon a resolution being passed by the Benchers as aforesaid, the Secretary shall in addition to the notices required by section 46 of the "Legal Professions Act," send a copy thereof to the Judges of the Supreme and County Courts, and also to the Barrister or Solicitor to whom the same relates.

APPEAL.

96. Whenever it shall be resolved by the Benchers that any Barrister or Solicitor be disbarred, disqualified, suspended from practice or struck off the rolls, such Barrister or Solicitor may appeal therefrom to the Judges of the Supreme Court upon giving notice in writing to the Secretary of the Society, setting forth the grounds of appeal, within to days after the passing of such resolution.

97. When such notice of appeal shall have been given the Secretary of the Society shall notify the Judges of the Supreme Court and the Benchers of such appeal, and the Judges may thereupon fix a day for the hearing of such appeal.

98. Upon a day being so fixed the Secretary shall notify the Benchers and the appellant of the time and place fixed for the hearing of such appeal, and shall attend at such time and place with all papers connected with the charge and the proceedings thereunder and the evidence taken before the Benchers.

99. The evidence upon the hearing of such appeal shall be the papers connected with the charge, the record of the proceedings thereunder and the evidence taken before the Benchers, but the Judges shall have the right to receive such further evidence either *viva voce* or on affidavit as the justice of the case may seem to them to require.

100. It shall not be necessary for the appellant to provide any appeal book or copies of the evidence unless the Judges shall require the same.

101. An appeal shall not operate as a stay of judgment, unless the Benchers for special reasons in their discretion shall so order.

102. If the Judges allow the appeal the Secretary shall file the order made by the Judges, and shall give to the appellant a certificate and shall forward and publish copies of such certificate in like manner as the resolution containing the decision of the Benchers was forwarded and published under section 46 of the "Legal Professions Act."

FEES.

103. The following fees shall be payable to the Society in respect of the matters hereinafter set out:

On admission as a Student-at-Law or Articled Clerk.....	\$ 50 00
In the event of an unsuccessful examination, \$40.00 will be returned.	
With every application of Barristers or Solicitors from other Provinces or Countries.....	50 00
On examination for call to the Bar.....	100 00
In the event of an unsuccessful examination, \$75 will be returned.	
On examination for admission as a Solicitor.....	100 00
In the event of an unsuccessful examination, \$75 will be returned.	
Provided, that in the event of a candidate being unsuccessful in both examinations, \$175 will be returned.	
For any Intermediate Examination.....	10 00
For certificate of admission as a Student-at-law or an Articled Clerk	1 00
For every other certificate.....	1 00
Barristers' or Solicitors' annual fee, payable on t'e first Monday of November in each year.. ..	30 00
Provided, that if paid on or before the first Monday in October, such amount shall be reduced to \$20.	

FEEES

103. The following fees shall be payable to the Society in respect of the matters hereinafter set out:

On admission as a Student-at-Law or Articled Clerk.....\$ 50 00
 In the event of an unsuccessful examination, \$40 00 will be returned.

On examination of a Student-at-Law for call to the Bar..... 100 00
 In the event of an unsuccessful examination, \$75 00 will be returned.

On examination of an Articled Clerk for admission as a Solicitor 100 00
 In the event of an unsuccessful examination, \$75 00 will be returned.

Provided, that in the event of a candidate being unsuccessful in both examinations, \$175 00 will be returned.

On examination for call to the Bar of a Barrister from any other Province or country..... 150 00
 In the event of an unsuccessful examination, \$125 00 will be returned.

On examination for admission of a Solicitor from any other Province or country..... 350 00
 In the event of an unsuccessful examination, \$325 00 will be returned.

Provided, that in the event of a candidate being unsuccessful in both examinations, \$475 00 will be returned.

For any Intermediate Examination..... 10 00

For certificate of admission as a Student-at-Law or an Articled Clerk 1 00

For every other certificate..... 1 00

Barristers' or Solicitors' annual fee, payable on the first Monday of November in each year..... 30 00

Provided, that if paid on or before the first Monday in October, such amount shall be reduced to \$20 00.

Handwritten notes and signatures at the bottom of the page.

APPENDIX.

A.

NOTICE OF APPLICATION FOR ADMISSION.

LAW SOCIETY OF BRITISH COLUMBIA.

I of son of Rule 40.
 of hereby give notice that I intend to present myself to
 the Benchers of this Society at their next meeting for the purpose of
 being admitted and entered as (a Student-at-law or Articled Clerk, or
 both as the case may be).

1. I am of the full age of years.
2. On the day of A. D., 19....
 I matriculated at the University of in the City
 of, and on the day of A. D.,
 19.... the degree of was conferred on me by the said
 University. (N. B.—If not a graduate strike this out).

3. And I hereby undertake and promise that I will well, faithfully
 and truly submit and conform myself to and obey, observe, perform,
 fulfil and keep all the rules, orders, by-laws, and regulations of the
 Law Society during such time as I shall continue on the books of the
 Society.

4. And I of (as the case may be), father
 or guardian of the above named undertake and promise that
 he will faithfully and truly submit and conform to and obey, observe,
 perform, fulfil and keep all the rules, orders, by-laws and regulations
 of the Law Society during such time as he shall continue on the books
 of the said Society.

Dated the day of A. D., 19....

B.

CERTIFICATE OF CHARACTER.

LAW SOCIETY OF BRITISH COLUMBIA.

Rule 42. We of and do hereby certify that we have known and been well acquainted with of for the space of years; that he is a person of good moral character, and fitted to be enrolled as (a Student-at-law or Articled Clerk, or both, as the case may be)

Dated the day of A. D., 19...

C.

Rule 50. To Esq.,
Secretary of the Law Society of British Columbia.

I desire to pursue my law studies for the period of in the chambers of in the City of in the Province of (or with at in the Province of as Solicitor of the Supreme Court of as the case may be), or in the Law School at in the Province of (as the case may be).

I beg to enclose herewith the consent in writing of Barrister (or Solicitor, as the case may be), with whom I am studying, or to whom I am articled (as the case may be), permitting me to study outside the Province if the Benchers will so permit.

Dated the day of A. D., 19...

D.

INTERMEDIATE.

NOTICE AND CERTIFICATE BY STUDENT-AT-LAW,
OR ARTICLED CLERK.

LAW SOCIETY OF BRITISH COLUMBIA.

Rule 36. 1. I of hereby certify that I was entered on the books of the Law Society as a (Student-at-law or Articled Clerk, or both, as the case may be), as of

2. That I am a graduate in..... of the University of.....
having matriculated on the.....day of.....and having
received the degree of.....on the.....day of.....

(N. B.—If not a graduate, strike this out).

3. That I passed my Preliminary Examination in the month
of..... 19....

4. That I passed my first Intermediate Examination in the month
of..... 19....

5. And I intend to present myself in the month of.....
next for the..... Examination.

Dated the.....day of.....A. D., 19....

E.

NOTICE FOR CALL.

LAW SOCIETY OF BRITISH COLUMBIA.

I.....of.....hereby give notice Rules 60 and 61.
that I intend to present myself to the Benchers of this Society at their
next meeting for the purpose of being called to the Bar.

Dated the.....day of.....A. D., 19....

F.

PETITION FOR CALL.

LAW SOCIETY OF BRITISH COLUMBIA.

To the Benchers of the Law Society of British Columbia:

Rules 60
and 67.

The Petition of.....of.....gentleman,
now standing on the books of the Society as a Student-
at-law, most respectfully sheweth:

1. That your petitioner is of the full age of.....years.
2. That he is of.....years' standing on the books of the Society
as a Student-at-law.
3. That when admitted he was a graduate of the University
.....

(N. B.—If not a graduate, strike this out).

4. That he has since his admission into the Society passed two Intermediate Examinations, as follows:

- First Intermediate in.....
- Second " "

5. That he is desirous of being called to the degree of Barrister-at-law.

Your petitioner therefore most respectfully prays, that his qualifications being first examined and found sufficient according to the rules of the Society and standing orders of the Benchers 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 and obey, observe, perform, fulfil and keep all the rules, resolutions orders and regulations of the said Society, during such time as he shall continue on the books of the said Society as a member thereof.

Dated the..... day of..... A. D., 19....

G.

Rules 61
and 64. DOMINION OF CANADA,
PROVINCE OF BRITISH COLUMBIA,
TO WIT:

In the matter of the "Legal Professions Act," and the Rules
of the Law Society of British Columbia,
And

In the matter of the application of.....
for call to the Bar.....

I..... of..... do solemnly declare—
That the written answers to the questions hereto annexed and marked
"A," have been answered by me correctly, without equivocation, and
are true in every respect.

And I make this solemn declaration conscientiously believing it
to be true, and knowing that it is of the same force and effect as if made
under oath and by virtue of the "Canada Evidence Act, 1893."

Declared before me at
.....this.....
day of..... A. D. 19....

DIPLOMA OF BARRISTER

LAW SOCIETY OF BRITISH COLUMBIA

This is to certify that, Rules 62
was by the Benchers of the Law Society of British Columbia on
..... the day of A. D. 19.....
called to the Bar of the Supreme Court of British Columbia, and that
he now remains on the books of this Society as a Barrister thereof.

Dated the day of A. D. 19.....
..... Secretary. Treasurer.

NOTICE FOR ADMISSION AS A SOLICITOR

LAW SOCIETY OF BRITISH COLUMBIA

I, hereby give Rule 61
notice that I intend to present myself to the Benchers of this Society
at their next meeting for the purpose of being admitted as a Solicitor
of the Supreme Court of British Columbia.

Dated the day of A. D. 19.....

PETITION FOR ADMISSION AS A SOLICITOR.

LAW SOCIETY OF BRITISH COLUMBIA.

To the Benchers of the Law Society of British Columbia

The petition of most respectfully Rules 61, 68
sheweth: and 81.

1. That your petitioner is of the full age of years.
2. That he received his professional education under the super-
tendence of Solicitor of the Supreme Court of
British Columbia.
3. That he was entered on the books of the Law Society as an
Articled Clerk in and served under articles
as set forth in the

4. That he was, when entered on the books of the Society, a graduate of the University of.....

(N. B.—If not a graduate, strike this out).

5. That he has passed the Intermediate Examinations as follows:

First Intermediate in.....

Second " ".....

6. That his articles of clerkship expired on the.....day of..... 19....

7. That he is desirous of being admitted as a 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 the Benchers in that behalf, he may be admitted as a Solicitor.

Dated the.....day of.....A. D., 19....

K.

DIPLOMA OF SOLICITOR.

LAW SOCIETY OF BRITISH COLUMBIA.

Rule 65. This is to certify that.....of..... was by the Benchers of the Law Society of British Columbia onthe..... day of.....A. D. 19...., duly admitted a Solicitor of the Supreme Court of British Columbia, and that he now remains on the books of this Society as a Solicitor thereof.

Dated the.....day of.....A. D., 19....

.....Secretary.Treasurer.

L.

APPLICATION FOR ENROLMENT AS AN APPLICANT FOR CALL OR ADMISSION IN SPECIAL CASES.

LAW SOCIETY OF BRITISH COLUMBIA.

Rule 73. Iof.....hereby make application to have my name entered on the books of the Law Society

of British Columbia as an applicant for call to the Bar (or for admission as a Solicitor of the Supreme Court of British Columbia, or both, as the case may be.)

My full name is.....

I matriculated at the University of.....
at.....in the.....
on the.....day of.....A. D., 19....
and on the.....day of.....received from the said
University the Degree of.....

(If the applicant is not a Graduate this clause will be struck out.)

I began to study law with (or signed articles with) Mr.....
a Barrister (or Solicitor) of the Province of.....
(as the case may be) and studied with him (or served with him as the
case may be) for the period of.....years.

(If any Assignment of Articles, give particulars here.)

On the.....day of.....A. D., 19....
I was called to the Bar or admitted as a Solicitor of the Supreme
Court of.....(or both as the case may be.)

The Term of study or service under articles required by the laws
of.....for call or admission is.....years,
and in the case of a graduate is.....years.

The Common Law of England is.....the Common Law of.....

I left.....on the.....day of.....
and was a Barrister or Solicitor (or both as the case may be), in.....
on that date.

I was subsequently called to the Bar or admitted as Solicitor (or
both as the case may be) of the.....on the.....
day of.....I am now a Barrister or Solicitor (or
both as the case may be) of.....in good standing
and as such I am entitled to practise in.....

I left the Province of.....
on the.....day of.....
and was a Barrister or Solicitor in good standing in the said Province
(or both as the case may be) on that date.

I was a Barrister or Solicitor in good standing on the books of
the Law Society of each Province (or as the case may be) in which I
was called to the Bar or admitted as a Solicitor on the dates when
I left such Provinces (or as the case may be) and no complaint had
been laid against me.

(When any complaint has been laid against the applicant, the last eight words shall be struck out, and particulars of the nature, hearing and determination of such complaint inserted).

And I hereby undertake and promise that I will well, faithfully and truly submit and conform myself to and obey, observe, perform, fulfil and keep all the rules, orders, by-laws and regulations of the Law Society during such time as I shall continue on the books of the Society.

Dated the.....day of.....A. D., 19....

M.

In the matter of the application of.....
to be entered on the books of the Law Society of
British Columbia

And

In the matter of the Rules of the Law Society of British
Columbia.

Rule 73. I, of
do solemnly declare--

That the statements contained in the application dated.....
hereto annexed marked "A" and signed by me, for enrolment as
an applicant on the books of the Law Society of British Columbia for
call (or admission, or both, as the case may be), are true in every
respect.

And I make this solemn declaration conscientiously believing it
to be true and knowing that it is of the same force and effect as if
made under oath and by virtue of the "Canada Evidence Act, 1893."

Declared before me at }
.....this..... }
day of.....A. D. 19.... }

N.

CERTIFICATE OF CHARACTER.
LAW SOCIETY OF BRITISH COLUMBIA.

Rule 74. I.....of.....do hereby certify
that I have known and been well acquainted with.....

(name in full) formerly of.....and now of.....
for the space of.....years during which time he was practising
and residing at.....and that he is a person of good
moral character and fitted to be enrolled as a member of the Law
Society of British Columbia.

Dated the.....day of.....A. D., 19....

O.

We hereby certify that we are personally acquainted with..... Rule 79.
.....that to the best of our knowledge the
said.....has not practised or assumed, to act or
held himself out to the public in any way as a person qualified to act
as a Barrister or Solicitor, and has not in this Province advertised or
held himself out with the object of obtaining legal practice in this
Province to be a Barrister, Advocate or Solicitor of any other Pro-
vince or country; that the said.....has resided in the
Province for.....months and is a person of good moral character.

Dated the.day of.....A. D., 19....

P.

FORM OF ARTICLES.

Articles of Agreement made the.....day of Rules 45
in the year of our Lord 19...., between A. A., of..... and 84.
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 British Columbia, of the third part.

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

And the said A. A., doth hereby for himself, his heirs, executors 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 hereinbefore mentioned Term; and that the said B. A. shall not, at any time during such Term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, moneys, stamps, chattels or other property of the said S. S., his executors, administrators, or assigns, or of his partner or partners, or of any of his clients or employers; And that in case the said B. A. shall act contrary to the last-mentioned covenant, or if the said S. S., his executors, administrators, or assigns, or his partner or partners shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said B. A., the said A. A., his heirs, executors, or administrators, shall indemnify the said S. S. and make good and reimburse him the amount or value thereof; And further, that the said B. A. will at all times keep the secrets of the said S. S. and his partner or partners, and will at all times during the 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	}A. A. [L.S.]
	B. A. [L.S.]
	W. F. }S. S. [L.S.]

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

Q.

ASSIGNMENT OF ARTICLES.

This Indenture made (in duplicate) the.....day of..... Rule 45.
 in the year of our Lord one thousand nine hundred and.....
 between of
 one of the Solicitors of the Supreme Court of British Columbia, of the
 first part.....of the same place, Student-at-law,
 of the second part. And.....
 of.....one of the Solicitors
 of the said Court, of the third part:

Whereas, by Articles of Clerkship hearing date the.....day of
A. D. 19.....made between the said.....
 of the one part, and the said.....of the other part,
 the said.....of his own free will, did put, place
 and bind himself clerk to the said.....to serve him from
 the day of the date thereof, for during and until the full end and term
 of.....years from thence next ensuing, and fully to be com-
 pleted 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 and 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 consent of the said.....testified by his being a party to these presents, hath assigned, transferred and set over, and by these presents doth assign, transfer and set over unto the said..... all benefit and advantage, interest, claim and demand whatsoever of him the said.....under the hereinbefore in part recited Articles of Clerkship, and the service of him the said..... under or by virtue of the same to have and to hold all right and interest whatsoever of him the said.....in and to the service of him the said.....under or by virtue of the same unto the said.....his executors, administrators and assigns.

And this Indenture further Witnesseth that the said..... of his own free will, testified as aforesaid, hath put, placed and bound himself, and by these presents doth put, place and bind himself clerk to the said.....to serve him from the day of the date of these presents for and during the remainder of the said Term of.....years, and fully to be completed and ended; and for such further period (if any) as may be necessary to complete the full Term of.....years, under articles in accordance with the statutes in that behalf. And the said..... doth hereby covenant with the said.....his executors, administrators and assigns, that the said.....shall and will well, faithfully and diligently, serve the said.....as his clerk in the practice and profession of a Solicitor of the Supreme Court of British Columbia 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 parties to these presents have hereunto set their hands and seals, the day and year first above mentioned.

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

R.

DOMINION OF CANADA,
PROVINCE OF BRITISH COLUMBIA,
COUNTY OF.....
To WIT:

In the matter of the "Legal Professions Act,"

And

In the matter of Articles of Clerkship (or assignment of
Articles of Clerkship as the case may be) between A. B.
and C. D.

I..... of Rule 45.
.....in the Province of British Columbia, do
solemnly declare,—

1. That I was personally present and did see the within or
annexed Articles of Clerkship (or assignment of Articles of Clerkship
as the case may be) duly signed, sealed and executed by.....
the part.....thereto.

2. That the said Articles of Clerkship (or assignment of Articles
of Clerkship as the case may be) were executed at.....

3. That I know the said part.....

4. That I am a subscribing witness to the said Articles of
Clerkship (or assignment of Articles of Clerkship as the case may be.)

5. That the said Articles of Clerkship (or assignment of Articles
of Clerkship as the case may be) were executed as aforesaid on
the.....day of.....

And I make this solemn declaration conscientiously believing it
to be true and knowing that it is of the same force and effect as if
made under oath and by virtue of the "Canada Evidence Act, 1893."

Declared before me at
.....this.....
day of..... A. D. 19.....

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THE LEGAL PROFESSIONS ACT

R.S. 1897.
Ch. 24.
1898, Ch. 8.
1899, " 3.
1901, " 4.
1902, " 1.
1903-4, " 1.

CHAPTER 24

(CONSOLIDATED FOR CONVENIENCE ONLY.)

AN ACT RELATING TO THE LEGAL PROFESSIONS.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the "Legal Professions Act," 1895, c. 29, s. 1.

LAW SOCIETY.

2. The Law Society of British Columbia (hereinafter called "the Society") shall continue to be incorporated under that name and style as a body politic and corporate with continued succession and a common seal:

Law Society of British Columbia, incorporation of.

(a.) The members of the Society shall be all persons called to the Bar of British Columbia, or hereafter to be called, and all persons admitted as Solicitors, or hereafter to be admitted as Solicitors, of the Supreme Court of British Columbia, so long as their names remain on the books of the Society as in good standing. 1895, c. 29, s. 2.

Members.

3. The Society may, without license of mortmain, purchase, take, possess, and after acquiring the same, sell, lease, or part with any lands, tenements, or hereditaments for the purposes of the Society, but for no other purpose, and may execute all other matters pertaining to them to do.

Power to acquire, hold, and deal with land, etc.

1895, c. 29, s. 3.

BENCHERS.

4. The Society shall be governed by nine members of the degree of Barristers, who shall be called Benchers, and

of whom to consist.

the *ex-officio* Benchers hereinafter mentioned. 1895, c. 29, s. 4.

Attorneys-General of Canada and B. C. and retired Judges of Supreme Court *ex-officio* Benchers.

5. The Attorney-General of Canada, for the time being, the Attorney-General of British Columbia, for the time being, and any retired Judge of the Supreme Court of this Province, shall, respectively, *ex officio*, be Benchers. 1895, c. 29, s. 5.

Treasurer and Secretary.

6. The Benchers shall, on the first meeting after their election, proceed to elect one of their number to be Treasurer, who shall hold office until the appointment of his successor; and shall also appoint some member of the Society, of the degree of Barrister, to be a Secretary. 1895, c. 29, s. 6.

Continuation of Benchers now in office.

Property vested in Society.

7. The Benchers who have been elected and are in office at the time of this Act coming into force shall continue to be the Benchers of the Society until their successors are elected; and all property now vested in the present Law Society, and all liabilities incurred by them, shall be vested in and assumed by the Society as constituted by this Act, and all rules and regulations for the government of the Society now in force shall continue until altered under the provisions of this Act. 1895, c. 29, s. 7.

ELECTION OF BENCHERS.

Election of Benchers.

8. The election of Benchers shall take place annually, on the Monday preceding the thirty-first day of March in every year. 1895, c. 29, s. 8.

Persons not eligible to vote not qualified.

9. No person shall be eligible as a Bencher at any election who is not qualified to vote at such election and unless he be a Barrister. 1895, c. 29, s. 9.

Retiring Benchers.

10. At all elections retiring Benchers shall be eligible for re-election. 1895, c. 29, s. 10.

Who are eligible as Benchers.

11. Each Barrister or Solicitor entitled to practise in the Supreme Court, and actually residing and practising in the Province, and who has paid all his fees to the Society, shall be entitled to have his name placed on the list of voters hereinafter mentioned. 1895, c. 29, s. 11.

List of persons entitled to vote to be prepared.

12. On the first Monday in the month of March in each year an alphabetical list of the Barristers and Solicitors who are entitled to vote at the succeeding election shall be made out by the Secretary of the Society, and such list may be examined by any Barrister or Solicitor at all reasonable times. 1895, c. 29, s. 12.

13. In case any Barrister or Solicitor complains to the Secretary of the improper omission or insertion of any name in the list, it shall be the duty of such officer forthwith to examine into the complaint, and rectify such error if any there be, and in case any person is dissatisfied with the decision of such officer he may appeal to a Judge of the Supreme Court in a summary way, whose decision shall be final, and such list shall remain or be altered in accordance with such decision. 1895, c. 29, s. 13.

Complaints of omissions, etc.

14. Each person whose name is inserted on the said list, but no others, shall be entitled to vote at such election for nine persons to act as Benchers. 1895, c. 29, s. 14.

Persons on list only entitled to vote.

15. Such votes shall be given by closed voting papers, in the form in the First Schedule to this Act, or to the like effect, being delivered between the first day of March and the day of election to the Secretary of the Law Society of British Columbia. Any voting paper received during such interval by the Secretary by post shall be deemed delivered to him. 1895, c. 29, s. 15.

Voting.

16. The Benchers shall, in the month of January in each year, appoint two persons who, with the Treasurer, shall act as scrutineers at the election. In case any scrutineer is absent during such scrutiny the other may nevertheless proceed therewith. 1895, c. 29, s. 16.

Appointment of scrutineers.

17. The voting papers shall upon the day of election be opened by the Secretary of the said Law Society, in the presence of the scrutineers, who shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided by the Society. 1895, c. 29, s. 17.

Count of votes.

18. Any person entitled to vote at any election for Benchers shall be entitled to be present at the opening and scrutinizing of the voting papers. 1895, c. 29, s. 18.

Voters may attend scrutinizing of voting papers.

19. Any votes cast for any person who is ineligible to be a Bencher or who is a Bencher *ex-officio*, shall be null and void, and the election shall be declared as if such votes had not been cast. 1895, c. 29, s. 19.

Certain votes null and void.

20. In the event of any elector placing more than nine names on his voting papers the first nine only shall be taken, notwithstanding any of such nine persons so named may be ineligible for election from any cause whatever. 1895, c. 29, s. 20.

First nine to be taken in case more than nine voted for.

21. The nine persons who have the highest number of votes shall, with the *ex-officio* Benchers, be the Benchers to be elected.

Nine persons having highest number of votes to be elected.

until the next annual election, and until their successors shall have been elected. 1895, c. 29, s. 21.

In case of equality of votes.

22. In case of an equality of votes between two or more persons, which leaves the election of one or more of such Benchers undecided, then the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Secretary of the Society shall draw by chance from such ballot box, in the presence of the scrutineers, one or more of such papers sufficient to make up the required number, and the persons whose names are upon such papers so drawn shall be such Benchers. 1895, c. 29, s. 22.

Declaration of result of election and publication.

23. Upon the completion of the scrutiny, the Secretary shall forthwith declare the result of the election, and shall cause the names to be published in the British Columbia Gazette for one issue. 1895, c. 29, s. 23.

Benchers may make rules.

24. The Benchers may make such rules as they consider expedient, not contrary to the provisions of this Act, for regulating the procedure under the preceding sections of this Act. 1895, c. 29, s. 24.

Falsification, etc., of voting paper.

25. No person shall sign the name of any other person to any voting paper under this Act, or alter, or add to, or falsify, or fill up any blank in any voting paper signed by another person, or deliver or cause to be delivered to the Secretary any such false voting paper or any voting paper which has been added to or falsified, or in which any blank has been filled up after the same was signed. 1895, c. 29, s. 25.

In case of absence, etc., of Secretary.

26. In the event of there being no Secretary for the time being of the Law Society at the time at which any election under this Act is to be held, or in the event of such Secretary being unable, from illness or other unavoidable cause, to act at such election, then, and in such case, the Treasurer for the time being of the Law Society shall appoint under his hand some other person to act as such Secretary, and such person so appointed shall perform all the duties of such Secretary as prescribed by this Act. 1895, c. 29, s. 26.

Disputes as to election of Benchers, how decided.

27. In the event of any dispute as to the election of Benchers, the same may be decided in a summary way by any Judge of the Supreme Court, upon petition, whose decision shall be final. The Judge may decide upon such petition that certain persons were or were not elected, or

that certain persons were entitled to be elected, and make a return to the Society accordingly, and such return shall govern the Society. The costs of the petition shall be in the discretion of the Judge. 1895, c. 29, s. 27.

28. No petition against the return of a Benchershall be entertained unless presented within ten days after the day of election. 1895, c. 29, s. 28.

29. The voting papers belonging to any election shall not be destroyed until after all petitions in respect of such election have been decided, but the same shall, together with all other papers in connection with the election, be retained by the Secretary. 1895, c. 29, s. 29.

30. In case of failure in any instance to elect the requisite number of Benchers according to the provisions of this Act, or in case of any vacancy caused by the death or resignation of any Benchershall, or by any other cause, the remaining or continuing Benchers may appoint to the vacant place or places any person or persons duly qualified under the provisions of this Act to be elected Benchers, and the person or persons so appointed shall hold office for the residue of the period for which the other Benchers have been elected. 1895, c. 29, s. 30.

MEETINGS OF THE SOCIETY.

31. There shall be an annual general meeting of the members of the Society at the City of Victoria on the first Monday of March in each year, at the hour of eleven o'clock in the forenoon, at which meeting the Treasurer, or in his absence some other Benchershall, shall preside, and a report of the proceedings of the Benchers during the year shall be presented at the meeting, with a statement of the finances of the Society, which statement shall be printed and distributed to the members at least ten days before the meeting. 1895, c. 29, s. 31.

32. Fifteen members shall form a quorum. 1895, c. 29, s. 32.

33. A special general meeting of the members of the Society shall be held on the written request of ten members of the Society, addressed to the Secretary, within two weeks of such request. 1895, c. 29, s. 33.

MEETINGS OF BENCHERS.

34. Regular meetings of the Benchers shall be held at the City of Victoria on the first Monday of January, April, July and October in every year. 1895, c. 29, s. 34.

- Special meetings. 35. Special meetings may be held on the written request of two Benchers, addressed to the Secretary. 1895, c. 29, s. 35.
- Benchers' travelling expenses. 36. The travelling expenses of Benchers residing outside of Victoria to and from the meeting of the Benchers (which shall be computed from actual costs of transport), shall be allowed to them and paid out of the funds of the Society; but no such payment shall be made to any Bencher unless claimed during the year in which he acts. 1895, c. 29, s. 36.

POWERS OF THE BENCHERS.

- Powers of Benchers. 37. The Benchers shall have the following powers:—
- Appointment of officers and servants. (1.) They may appoint such officers and servants as may be necessary for the management of the business of the Society, and may make rules for the discipline and well-being of the legal profession and otherwise relating to the honour thereof:
- Make rules. (2.) They may also make rules respecting the following classes of subjects:—
- (a.) The improvement of legal education generally;
 - (b.) The appointment of readers and lecturers, with salaries;
 - (c.) The subjects and mode of study of students-at-law and articled clerks, and their attendance at Barristers' chambers or Solicitors' offices;
 - (d.) The attendance of students and articled clerks at lectures;
 - (e.) The preliminary, intermediate, and final examinations to be passed by students-at-law and articled clerks as conditional to call to the Bar or admission as Solicitor;
 - (f.) Providing that students-at-law or articled clerks studying or bound within the Province may complete their studies, or during portions or a portion of their term pursue or serve their studies or articles outside the Province;
 - (g.) The fees to be paid to the Society upon call to the Bar or admission as Solicitors;

- (h.) The fees payable by students-at-law or articled clerks on their being admitted or enrolled as such on the books of the Society, or at intermediate examinations;
 - (i.) The reporting of legal decisions, and printing the same;
 - (j.) The order of business and the regulation of all proceedings at their own meetings from time to time;
 - (k.) The procedure and practice in cases falling within the provisions of sections 42 to 48 of this Act, both inclusive;
 - (l.) And generally for the working out of the provisions of this Act, when not otherwise herein specially provided for;
- (3.) They may call to the Bar and admit to practice Call and admission. as a Barrister in British Columbia:—
- (a.) Any person being a British subject of full age and good repute who, having been entered and admitted into the Society as a student-at-law, has been standing on the books thereof for five years, to be computed from the date of his passing his preliminary examination, has been in actual attendance at the chambers of a practising Barrister of British Columbia for that period, and has conformed himself to the rules of the Society: Provided that the said term of five years shall be reduced to three, if, previously to having been entered on the books of the Society, such student shall have attained the degree of Bachelor or Master of Arts, or Bachelor or Doctor of Laws, in any recognized University of Great Britain or Ireland, or the Dominion of Canada; or shall, after having attained the age of sixteen years, either before or after the passing of this Act, for the term of ten years have been a *bona fide* clerk to a practising Barrister or Barristers of British Columbia, and during that term shall have been *bona fide* engaged in the transaction and performance, under the direction and superintendence of such Barrister or Barristers, of such matters of business as are usually transacted and per-

Exemption of
Barristers'
clerks from
passing prelimi-
nary examina-
tion.

formed by Barristers, and who shall produce to the Benchers satisfactory evidence that he has faithfully, honestly and diligently served as such clerk. And provided also that it shall not be necessary for such clerk to pass the preliminary examination required by the rules of the Law Society of British Columbia in order to become enrolled as a student on the books of the Society. 1902, c. 3, s. 2; 1903-4, c. 3, s. 2.

- (b.) Any person being a British subject of full age, good conduct and repute, who has been duly called and admitted to practice as a Barrister-at-law in any of Her Majesty's Courts of England or Ireland, or as an Advocate in the Court of Session of Scotland, or who has been duly called and admitted to practice as a Barrister-at-law in any of Her Majesty's Colonies, Dependencies, or Provinces of Canada: Provided always, that before the Benchers shall call any such person, he shall have paid his fees to the Society; and provided further, that the applicant shall pass before one or more of the Benchers or Examiners appointed by them in that behalf an examination,—(1) if a Barrister from some place other than a Province of Canada, concerning his knowledge of the statute law of Canada and of this Province, including the practice of the Courts, and (2) if a Barrister from one of the Provinces of Canada, concerning his knowledge of the statute law of British Columbia, and the practice of the Courts: Provided also, that the applicant shall, in case of his basing his claim for call or admission upon the fact of his having been called or admitted as a Barrister or Advocate in some place where the common law of England is not the common law of the land, pass an examination satisfactory to the Benchers or Examiners as to his knowledge of the common and statute law of England applicable to this Province, and of his fitness to practise as a Barrister. It shall also be necessary that the applicant produce such evidence as may be provided by the rules of

the Society, or, in the absence of rules, as may be satisfactory to the Benchers, shewing his qualifications and proving him to be of good standing and of good character and repute. 1899, c. 3, s. 2.

(4) They may admit as Solicitors of the Supreme Admission.
Court:—

(a.) Any person being a British subject of full age and good repute, who has been bound by articles in writing to a practising Solicitor in British Columbia to serve, and has served him as his clerk for five years continuously, and has conformed to the rules of the Society: Provided that the said term of five years shall be reduced to three, if previously to having been articled, such clerk shall have attained the degree of Bachelor or Master of Arts, or Bachelor or Doctor of Laws, in any recognized University of Great Britain or Ireland, or the Dominion of Canada; or shall, after having attained the age of sixteen years, either before or after the passing of this Act, for the term of ten years have been a *bona fide* clerk to a practising Solicitor of British Columbia, and during that term shall have been *bona fide* engaged in the transaction and performance, under the direction and superintendence of such Solicitor, of such matters of business as are usually transacted and performed by Solicitors, and who shall produce to the Benchers satisfactory evidence that he has faithfully, honestly and diligently served as such clerk.

And provided also that it shall not be necessary for such clerk to pass the preliminary examination required by the rules of the Law Society of British Columbia in order to become enrolled as an articled clerk on the books of the Society. 1902, c. 3, s. 3; 1903-4, c. 3, s. 3.

Exemption of
Solicitors' clerks
from passing
preliminary
examination.

(b.) Any person being a British subject of full age, good conduct and repute who has been duly admitted to practice as a Solicitor, Law Agent, or Attorney in any of Her Majesty's

Courts in England, Scotland, or Ireland, or who shall have been admitted as a Solicitor, Advocate or Attorney in any of the Superior Courts of Her Majesty's Colonies or Dependencies, Territories or Provinces of Canada: Provided always, that before the Benchers shall so admit any such person he shall have paid his fees to the Society; and provided, further, that the applicant shall pass, before one or more of the Benchers or Examiners appointed by them in that behalf, an examination.—(1) if a Solicitor from some place other than a Province of Canada, concerning his knowledge of the statute law of Canada and of this Province, including the practice of the Courts; and (2) if a Solicitor from one of the Provinces of Canada, concerning his knowledge of the statute law of British Columbia and the practice of the Courts: Provided also, that the applicant shall, in case of his basing his claim for admission upon the fact of his having been admitted as a Solicitor in some place where the common law of England is not the common law of the land, pass an examination, satisfactory to the Benchers or Examiners, as to his knowledge of the common and statute law of England applicable to this Province, and of his fitness to practise as a Solicitor. It shall also be necessary that the applicant produce such evidence as may be provided by the rules of the Society, or in the absence of rules as may be satisfactory to the Benchers, shewing his qualifications, and proving him to be of good standing and of good character and repute. 1899, c. 3, s. 3.

- (5.) Provided, also, that any Barrister or Solicitor who shall base his claim, for call or admission, upon his having been called or admitted, as the case may be, as a Barrister or Solicitor in some place or Province where Barristers or Solicitors are called or admitted after a term of study or articles less than five years (except in case of a graduate of any recognized University of Great Britain or Ireland, or Dominion of Canada, or of the Royal Military College of Canada, or before call or admission in this Province, serv-

as a student-at-law or under articles for a sufficient time to complete the full term of five years. Provided, however, that this subsection shall not apply to any barrister or solicitor or attorney who has practised as such for a period of time which, together with the time he has served as a student-at-law or under articles, will be sufficient to make up the full term of five years. 1895, c. 29, s. 37; 1899, c. 3, s. 3; 1911, c. 5, s. 2.

office of a Barrister or Solicitor in the Province of British Columbia, not under articles, may, in the discretion of the Benchers, be articled, without being required to undergo the preliminary examination for admission to study; provided, however, that he pay the customary fee, and shall serve five years, in addition to the time already served, and shall pass the intermediate and final examinations before being eligible for call or admission as a Barrister or Solicitor. 1898, c. 8, s. 3.

38. A copy of any rule made by the Benchers certified as a true copy of the original by the Secretary, under the seal of the Society, shall be received in all Courts or upon any application before a Judge as *prima facie* evidence of the original rule, without the production of the original rule or proof of the signature of the Secretary or the seal. 1895, c. 29, s. 38. Rules of Benchers, how proved.

ALTERATION OF RULES.

39. The Benchers may from time to time alter, amend or repeal any previous rule of the Society. 1895, c. 29, s. 39. Alterations, etc., of rules.

CALL OR ADMISSION.

40. No person shall be called as a Barrister or admitted to practice as a Solicitor in the Supreme Court, save in accordance with the provisions of this Act. 1895, c. 29, s. 40. Persons to be called or admitted only in pursuance hereof.

CALL AND ADMISSION IN PARTICULAR CASES.

41. Any Solicitor of this Province who has been in actual practice for one year immediately preceding his application for call to the Bar may (subject to the rules of the Society) and upon payment of the prescribed fees be called to the Bar upon passing an examination to the satisfaction of the Benchers touching his fitness to become a Barrister; and any Barrister of this Province who has been in actual practice for one year immediately preceding his Call and admission in particular cases.

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or Examiners appointed by them, on their behalf, an examination,—(1) if a Solicitor from some place other than a Province of Canada, concerning his knowledge of the statute law of Canada and of this Province, including the practice of the Courts; and (2) if a Solicitor from one of the Provinces of Canada, concerning his knowledge of the statute law of British Columbia and the practice of the Courts: Provided also, that the applicant shall, in case of his basing his claim for admission upon the fact of his having been admitted as a Solicitor in some place where the common law of England is not the common law of the land, pass an examination, satisfactory to the Benchers or Examiners, as to his knowledge of the common and statute law of England applicable to this Province, and of his fitness to practise as a Solicitor. It shall also be necessary that the applicant produce such evidence as may be provided by the rules of the Society, or in the absence of rules as may be satisfactory to the Benchers, shewing his qualifications, and proving him to be of good standing and of good character and repute. 1891, c. 3, s. 3.

- (5.) Provided, also, that any Barrister or Solicitor who shall base his claim for call or admission, upon his having been called or admitted, as the case may be, as a Barrister or Solicitor in some place or Province where Barristers or Solicitors are called or admitted after a term of study or articles less than five years (except in case of a graduate of any recognized University of Great Britain or Ireland, or Dominion of Canada, or of the Royal Military College of Canada, or before call or admission in this Province, serve

as a student-at-law or under articles for a sufficient time to complete the full term of five years. 1895, c. 29, s. 37; 1899, c. 3, s. 3.

- (6.) Provided that the preceding sub-section shall not apply to such Barrister or Solicitor who is also a graduate of any such University. 1902, c. 3, s. 4.

37a. Any person over the age of thirty-five who, between the ages of twenty-five and thirty-five years, has served three or more years continuously as clerk in the office of a Barrister or Solicitor in the Province of British Columbia, not under articles, may, in the discretion of the Benchers, be articled, without being required to undergo the preliminary examination for admission to study; provided, however, that he pay the customary fee, and shall serve five years, in addition to the time already served, and shall pass the intermediate and final examinations before being eligible for call or admission as a Barrister or Solicitor. 1898, c. 8, s. 3.

Certain persons may be articled without undergoing preliminary examination.

38. A copy of any rule made by the Benchers certified as a true copy of the original by the Secretary, under the seal of the Society, shall be received in all Courts or upon any application before a Judge as *prima facie* evidence of the original rule, without the production of the original rule or proof of the signature of the Secretary or the seal. 1895, c. 29, s. 38.

Rules of Benchers, how proved.

ALTERATION OF RULES.

39. The Benchers may from time to time alter, amend or repeal any previous rule of the Society. 1895, c. 29, s. 39.

Alterations, etc., of rules.

CALL OR ADMISSION

40. No person shall be called as a Barrister or admitted to practice as a Solicitor in the Supreme Court, save in accordance with the provisions of this Act. 1895, c. 29, s. 40.

Persons to be called or admitted only in pursuance hereof.

CALL AND ADMISSION IN PARTICULAR CASES.

41. Any Solicitor of this Province who has been in actual practice for one year immediately preceding his application for call to the Bar may (subject to the rules of the Society) and upon payment of the prescribed fees be called to the Bar upon passing an examination to the satisfaction of the Benchers touching his fitness to become a Barrister; and any Barrister of this Province who has been in actual practice for one year immediately preceding his

Call and admission in particular cases.

application to be admitted as a Solicitor may (subject to the rules of the Society) and upon payment of the prescribed fees be admitted as a Solicitor upon passing an examination to the satisfaction of the Benchers touching his fitness to practise as a Solicitor: Provided always, that any person who before the passing of this Act has been duly called to the Bar or admitted as a Solicitor, or who has been called to the Bar or admitted as a Solicitor within six months from the date of the coming into force of this Act, shall be entitled to be called to the Bar or admitted as a Solicitor, as the case may be, upon passing such examination, if any, as the Benchers may think fit to require, and upon payment of the prescribed fees. 1895, c. 29, s. 41.

Applicants bas-
ing claim on
call or admission
in more than one
place or
Province.

41a. Whenever an applicant for call or admission as a Barrister or Solicitor under said section 37, has been called or admitted as such in more than one place or Province in Her Majesty's Dominions, he may base his claim for call or admission on his call or admission in any of the various places or Provinces in which he has been called or admitted, notwithstanding that the part of such Dominions where he has been called or admitted in the first instance requires less than five years' study, so long as it requires not less than three years' study. 1898, c. 8, s. 2.

DISBARRING AND STRIKING OFF THE ROLLS.

Benchers may
disbar, disqual-
ify, and sus-
pend Barristers
and Solicitors.

42. The Benchers shall have full power to disbar, disqualify, suspend from practice, or strike off the rolls, any Barrister or Solicitor for good cause shewn, but any decision which may disbar, disqualify, suspend from practice, or strike off the rolls any Barrister or Solicitor, shall be subject to appeal to the Judges of the Supreme Court, who are hereby constituted visitors of the Society for that purpose, and the decision of a majority of whom shall be final. 1895, c. 29, s. 42.

Students-at-law
and articled
clerks.

43. The Benchers shall also have power to resolve that any student-at-law or articled clerk has been guilty of conduct unbecoming any such student or articled clerk, and to strike his name from the books of the Society, and to refuse either absolutely or for a limited period to admit such student or articled clerk to the usual examinations or to grant him the certificate necessary to enable him to be called or admitted to practice. 1895, c. 29, s. 43.

Hearing of com-
plaint.

44. Upon the hearing of any complaint or charge against a Barrister, Solicitor, student-at-law or articled clerk, the Benchers shall have power to examine witnesses

under oath, and to compel the production of books, papers, documents and other writings necessary to their inquiry; and a summons under the hand of the Treasurer, or in his absence of two Benchers, and the seal of the Society, for the attendance of a witness, shall have all the force of a subpoena issued out of the Supreme Court, and any witness not attending in obedience thereto, or refusing to be sworn or to give evidence, or neglecting or refusing to produce any such book, paper, document or writing as aforesaid, shall be liable to attachment upon application to a Judge of the Supreme Court, or to such other punishment as the Court upon such application may direct. 1895, c. 29, s. 44.

45. No Barrister or Solicitor shall be disbarred, disqualified, suspended from practice, or struck off the rolls, unless a resolution to that effect shall be passed by a majority of at least two-thirds of the Benchers present. 1895, c. 29, s. 45.

46. Upon a Barrister or Solicitor being disbarred, disqualified, suspended from practice, or struck off the rolls as aforesaid, all his rights and privileges as such Barrister or Solicitor shall thenceforth cease and determine, either absolutely or for the time limited by the decision of the Benchers as aforesaid. A copy of the resolution of the Society, shall be forwarded by the Secretary to the Registrar and each of the District Registrars of the Supreme Court, and to the Registrars of the several County Courts, and shall be published in the British Columbia Gazette, and in a newspaper circulating in the district where such Barrister or Solicitor usually resides or practises his profession. 1895, c. 29, s. 46.

47. In case any Barrister who has been disbarred or suspended from practice as a Barrister is also a Solicitor, he shall without further complaint be struck off the rolls or suspended from practice as a Solicitor; and if a Solicitor who is struck off the rolls or suspended from practice as a Solicitor is also a Barrister, he shall without further complaint be disbarred or suspended from practice as a Barrister; and any Barrister or Solicitor who is disbarred, struck off the rolls, suspended, or otherwise disqualified from practising under the provisions of this Act shall thereupon cease to be a member of the Society. 1895, c. 29, s. 47.

48. A Barrister or Solicitor who has been disbarred or struck off the rolls, under the provisions hereinbefore set out, may at any time after the expiration of one year

apply to the Benchers to be restored to practice, and thereupon the Benchers may, if in their discretion they see fit to do so, by resolution restore such person to his former rights and privileges as a Barrister or Solicitor, or both, as the case may be, and notify the proper officers of the Courts in that behalf accordingly, and he shall thereupon become, again, a member of the Society. 1805, c. 29, s. 48.

Barristers and Solicitors not to be disbarred except as herein provided.

49. Notwithstanding any Act, law or usage to the contrary, a Barrister or Solicitor shall not be disbarred, struck off the rolls, disqualified, or in any manner suspended from practice except as hereinbefore provided. 1805, c. 29, s. 49.

LAW LIBRARY.

Library at Victoria.

50. The property in the books of the law library at the Law Courts, Victoria, is declared to be vested in the Society, and all such books shall form part of the principal library, which shall be at Victoria; and the property in all books in any branch library already formed, and in any books to be in future purchased by the Benchers, shall be vested in the Society, and such books shall form part of such library as they may from time to time be respectively assigned to by the Benchers. 1805, c. 29, s. 50.

In whom property in books is vested.

Branch libraries.

51. The Benchers may from time to time make an appropriation out of the moneys belonging to the Society for the purpose of providing for branch libraries in such place or places as they may by resolution determine. 1805, c. 29, s. 51.

Penalties for removing books from libraries, &c.

52. The Benchers may by rules impose penalties upon Barristers, Solicitors, law students, or articled clerks for removing any book from the library room or rooms, or the building within which the same may be situated, or upon any person—not being a Judge of the Supreme or County Courts, or a Barrister or Solicitor who has paid his annual fee, law student, articled clerk, or person permitted by resolution of the Benchers—entering any library room or meddling with or removing any book from the same. 1805, c. 29, s. 52.

SOLICITORS AND ARTICLED CLERKS.

Articles of clerkship to be filed.

53. Whenever any person has been bound by contract in writing to serve as clerk to a Solicitor, such contract, with a declaration of the execution thereof annexed thereto shall within three months next after the execution of the contract be filed with the Secretary of the Society, who shall indorse and sign upon the contract a memoran

dim of the date of filing, and every assignment of such contract, together with a declaration of the execution thereof annexed thereto, shall be filed within a like period of three months next after the execution thereof. Every such declaration shall state the date of the execution of the articles or assignment, as the case may be, by the parties thereto respectively. 1895, c. 29, s. 53.

54. No Solicitor shall have under such articles as aforesaid more than two clerks at one time, and no Solicitor shall have any such clerk after such Solicitor has discontinued practising his profession, nor while he is employed as a clerk by any other Solicitor, and service by a clerk under any such circumstances shall not be deemed service under this Act. 1895, c. 29, s. 54.

55. In case any Solicitor, before the determination of the articles of a clerk bound to him as aforesaid, has become bankrupt or insolvent, or discontinued practice as a Solicitor, or has become or is employed as a clerk by any other Solicitor, the Benchers may, upon the application of such first-mentioned clerk, permit such articles to be discharged or assigned to such person, upon such terms and in such manner as they may think fit. 1895, c. 29, s. 55.

56. Whenever any such articles as aforesaid have been discharged as aforesaid, or cancelled by consent of the parties thereto, or determined by the death of the Solicitor, the clerk may be bound by other articles in writing to serve as clerk to any other practising Solicitor, during the residue of the term for which he was bound by such first-mentioned articles, and service under such second articles, subject to the provisions hereinafter contained, shall be as effectual for the purposes of this Act as if such service had been performed under the first articles. 1895, c. 29, s. 56.

57. Whenever any person has been bound by articles to serve as a clerk as aforesaid, and whenever any such articles have been assigned, the Solicitor to whom such person is so bound, or such articles are so assigned, shall, within two months after the date of such articles or assignment, respectively, make and duly declare a statutory declaration, or statutory declarations of such Solicitor having been duly admitted, and also of the actual execution of such articles or assignment, by the several parties thereto, specifying the names of such parties and their respective places of abode, and the day on which such articles of assignment were or was actually executed by them respectively; and every such statutory declaration shall be filed

Declaration.

Solicitor not to have more than two articles clerks at one time.

Assignment of articles on bankruptcy, etc., of Solicitor.

In such case, clerk may be bound for residue of term.

Assigned articles or fresh articles to be filed and fresh declaration to be made.

within three months after the execution of such articles or assignment with the Secretary of the Society. 1895, c. 29, s. 57.

In case such articles or assignments and declarations not filed within time limited, time to count from filing.

58. In case any such articles or assignments, with the statutory declaration or declarations in respect thereof hereinbefore required, be not filed as aforesaid within the time hereinbefore limited therefor, the same may afterwards be filed with the said Secretary, but the service of the clerk shall be reckoned only from the day of such filing, unless the Benchers in their discretion, for special reasons, shall otherwise order. 1895, c. 29, s. 58.

ANNUAL FEES

Fees.

59. There shall be due and payable annually by every practising Barrister or Solicitor to the Society, on the first Monday in November in each year, the sum of thirty dollars, but the Benchers may by a rule provide that such amount may be reduced to a sum not exceeding twenty dollars, if paid on or before the first Monday in October, and each practising Barrister or Solicitor shall obtain from the Secretary annually a certificate under the seal of the Society of the same date, stating his qualification to practise, and that the certificate is in force for one year from its date, and it shall be the duty of the Secretary, upon payment of such fee, to issue the certificate. A Barrister who is also a Solicitor need only take out annually one certificate. Such certificate may be in the form contained in the Second Schedule hereto. It shall not be incumbent upon a Barrister or Solicitor who has been called or admitted after the first Monday in November in any year, to take out any certificate until the first Monday in November following his call or admission. 1895, c. 29, s. 59.

Barrister who is Solicitor need only take out one certificate.

Penalty for practising without taking out certificate.

60. Subject to the provisions of the preceding section, if any Barrister or Solicitor, or any member of any firm of Barristers or Solicitors, either in his own name or in the name of any member of his firm, practises in any Superior or Inferior Court in British Columbia, without having taken out a certificate for the current year, as directed by the last preceding section of this Act, he shall for every such offence forfeit and pay the sum of fifty dollars to the Society, which sum may be recovered in any of the said Courts by the Society; and he may also be suspended by the Benchers from membership in the Society and from practice in all such Courts for any period not exceeding six months, or until the fee payable for such certificate, and the further sum of fifty dollars forfeited as aforesaid, have been duly paid. 1895, c. 29, s. 60.

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61. All fees, dues and subscriptions payable under this Act shall be the property of the Society, and shall be received and accounted for by the Treasurer, and the same shall be disbursed and appropriated by him under the direction of the Benchers in payment of the necessary expenses of the Society, and in the purchase of law books in aid of the law libraries, and for law reporting and printing. 1873, c. 29, s. 61.

BARRISTERS' AND SOLICITORS' ROLLS.

62. It shall be the duty of the Registrar of the Supreme Court to cause to be prepared two parchment rolls, one to be called the Barristers' and the other the Solicitors' Roll for the Province of British Columbia. 1895, c. 29, s. 62.

63. The Registrar shall forthwith after the passage of this Act cause to be entered on the said rolls respectively in proper order of time of call or admission, as the case may be, the names of all the persons who are at the date of the passing of this Act, or have, according to the best information he can obtain, been heretofore called as Barristers, or admitted as Solicitors in the Province, together with the date of their call or admission respectively, and in case any name is improperly omitted from or inserted on the said rolls, or either of them, by the Registrar, the Benchers may cause the same to be corrected. 1895, c. 29, s. 63.

64. Hereafter every Barrister who is called, and every Solicitor who is admitted, under the provisions of this Act shall, before he begins the practice in his profession as such Barrister or Solicitor, before one or more of the Judges of the Supreme Court, in open Court, take the proper oaths or affirmations in that behalf as set out in the Third Schedule to this Act, and sign such Barristers' or Solicitors' Roll, as the case may be. 1895, c. 29, s. 64.

65. The said rolls shall be and remain deposited in the office of the Registrar of the Supreme Court at Victoria, and shall be open to inspection at all reasonable times by any person entitled to search or inspect documents in the office of the said Registrar. 1895, c. 29, s. 65.

66. In case any Barrister or Solicitor is disbarred, disqualified or suspended from practice under any of the provisions of this Act, it shall be the duty of the Registrar upon receiving due notice to that effect in the manner in this Act provided, to cause an entry thereof to be made

upon the roll on which the name of such Barrister or such Solicitor appears as aforesaid. 1895, c. 29, s. 66.

BARRISTERS AND SOLICITORS.

No one except Barristers and Solicitors, etc., to practise.

67. Save as provided by the "Interior Courts Practitioners' Act" no person shall carry on the practice or profession of a Barrister or Solicitor unless he has been duly called or admitted under the provisions of this or some former Act of the Province of British Columbia, and, save as aforesaid, no persons, unless themselves plaintiffs or defendants in a proceeding, except Barristers and Solicitors or their students-at-law and articled clerks, when permitted by the present practice in that behalf, shall appear in any cause or matter in Chambers or before any master, referee, registrar, or examiner. 1895, c. 29, s. 67.

Penalty.

68. Except as hereinbefore provided, if any person shall, without having been duly called or admitted as aforesaid, practise, or assume to act, or hold himself out to the public in any way as a person qualified to act as a Barrister or Solicitor, or to practise, carry on, or pursue the calling or profession of a Barrister or Solicitor, or shall, in this Province, advertise or hold himself out, with the object of obtaining legal practice in the Province, to be a Barrister, Advocate, or Solicitor of any other Province or country, he shall be guilty of an offence under this Act, and shall be liable, on conviction thereof before any Justice of the Peace, to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months for each offence. 1895, c. 29, s. 68.

By whom complaint to be laid.

69. Any persons offending against the provisions of the preceding section may be charged upon an information laid in the name of the Society upon the oath of the Secretary that he is informed and believes that the party charged has committed the acts alleged, but no such information shall be laid unless complaint has previously been made to the Benchers, and after investigation of the same in such manner and form as they may deem necessary and expedient, and a resolution is passed authorizing the Secretary to lay such information. 1895, c. 29, s. 69.

Solicitor not to act for unqualified person.

70. 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 any such person to practise in any

respect as a Solicitor, knowing him not to be duly qualified; and in case complaint thereof is made to the Benchers, and proof is made upon oath to their satisfaction, the Solicitor so offending may be disqualified, suspended from practice for a limited period, or struck off the Roll of Solicitors. 1895, c. 29, s. 70.

71. No Barrister or Solicitor shall transact or carry on business as such by means of a branch office unless such office is under the personal and actual control of a duly qualified Barrister or Solicitor, and the penalty for a contravention of this section shall be the same as for a contravention of the preceding section. 1895, c. 29, s. 71.

72. (Repealed by 1890, c. 3, s. 5.) 1895, c. 29, s. 72.

73. In case a Solicitor is a prisoner in any gaol or prison, he shall not, during his confinement therein, within the limits thereof, commence, prosecute, or defend as such Solicitor any action in any Court; 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, either in his own name or in the name of any other Solicitor. 1895, c. 29, s. 73.

74. In case any person, unless himself the plaintiff or defendant in a proceeding, commences, prosecutes, or defends in his own name or in that of any other person, any action or proceeding without being admitted or enrolled as a Solicitor as aforesaid, he shall be incapable of recovering any fee, reward or disbursement on account thereof, and such offence shall moreover, except in cases provided by the "Inferior Courts Practitioners' Act," be deemed guilty of a contempt of the Court in which such proceeding has been commenced, carried on or defended, and shall, on the application of any person complaining thereof, be punishable accordingly. 1895, c. 29, s. 74.

75. No Barrister or Solicitor shall practise in any Court in British Columbia, either in his own name or that of his partner, deputy or agent, or in the name of any person, or otherwise directly or indirectly, whilst he holds, possesses, practises, carries on, or conducts any of the offices of Registrar of the Supreme Court or of any district

thereof, or of any County Court, Registrar-General of Titles, or Deputy or Acting Registrar of Titles in any district. 1895, c. 29, s. 75.

SOLICITORS' COSTS.

Costs, recovery thereof.

76. 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 the delivery of a bill thereof, subscribed with the proper hand of such Solicitor, his executor or assignee (or in the case of a partnership, by one of the partners, either with his own name, or with the name and style of such partnership), has been delivered to the party charged therewith, or sent by post to, or left at his counting house, office of business, or 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. 1895, c. 29, s. 76.

Taxation on application of debtor.

77. Upon the application of the party chargeable with such bill, within one month, a Judge of the Supreme Court shall, without money being paid into Court, refer the bill and the demand thereunder to the proper taxing officer of the Supreme Court, and the Judge making such reference shall restrain the bringing of any action for such demand pending the reference. 1895, c. 29, s. 77.

If no such application, Solicitor may apply to have reference taken.

78. In case no application is made within the month by the party chargeable with such bill, then the Judge, on the application of the Solicitor or firm of Solicitors rendering such bill, or his or their legal representative or assignees, may order a reference, with such directions as to taking the accounts between the Solicitor and the party chargeable with such bill, and with such conditions as to the time of payment of the amount certified upon the reference to be due, as to the said Judge seems proper. 1895, c. 29, s. 78.

No application to be made if verdict obtained for the amount, or after twelve months.

79. No such reference shall be made upon application made by the party chargeable with such bill if a verdict has been obtained against him for the amount thereof, 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 Judge to whom the application for the reference is made. 1895, c. 29, s. 79.

In case either party refuses or neglects to attend.

80. 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*.

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and 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, but 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. 1895, c. 29, s. 80.

Costs when one-sixth taxed off.

81. 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 from either party in respect of such bill and accounts, and of the costs of the reference if payable. 1895, c. 29, s. 81.

Officer to tax the costs of the reference and certify the result.

82. 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. 1895, c. 29, s. 82.

Such officer may certify any special circumstances.

83. Notwithstanding anything contained in the "Supreme Court Act," or the Rules of Court made thereunder, Appendix "M" of the Rules of Court, 1890, or any amendments thereof, shall not apply to any taxation of costs as between party and party or solicitor and client, but the Registrar in any taxation of costs shall allow all such costs, fees, charges and disbursements as shall be prescribed in a tariff to be prepared and approved from time to time by the Judges of the Supreme Court: Provided this section shall not come into force until the tariff has been prepared and approved by the Judges of the Supreme Court. 1895, c. 29, s. 83.

Appendix "M" of Rules of Court, 1890, not to apply in certain cases.

84. In case a reference is made when the same is not authorized, except under special circumstances as hereinbefore provided, the Judge in making the same may give any special directions relative to the cost of the reference. 1895, c. 29, s. 84.

When reference is made under special circumstances, Judge may give special directions.

85. Where no bill has been delivered, sent or left as aforesaid, and when the bill so delivered, sent or left might have been referred as aforesaid, the Judge may order the delivery of a bill, and also may order the delivery up of all deeds or papers in the possession, custody or power of the Solicitor, his assignee or representative. 1895, c. 29, s. 85.

Judge may order delivery of bill.

86. In proving a compliance with this Act it shall not be necessary in the first instance to prove the contents of

Proof of compliance with Act.

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 with or accompanied by such letter as aforesaid, was delivered, sent or left in manner aforesaid, but the other party may shew that the bill so delivered, sent or left was not such a bill as constituted a *bona fide* compliance with this Act. 1895, c. 29, s. 86.

Judge may authorize Solicitor to commence an action within one month.

87. A Judge of the Supreme Court on proof to his satisfaction that there is probable cause for believing that the party chargeable is about to leave British Columbia, or has committed or is committing any act which would be ground for issuing a *caus* or attachment in a civil action, may authorize the Solicitor to commence an action for the recovery of his fees, charges or disbursements against the party chargeable therewith, although one month has not expired since the delivery of the bill as aforesaid. 1895, c. 29, s. 87.

Where person not chargeable may apply for reference.

88. 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 chargeable therewith, the person so paying, his assignee or representative, may make the like application for a reference thereunder to tax such bill as the party chargeable therewith might himself have made and in like manner, and the same proceedings shall be had thereon as if the application had been made by the party so chargeable. 1895, c. 29, s. 88.

Judge may take into consideration special circumstances on such application.

89. In case such application is made when under the provisions hereinbefore contained the reference is not authorized to be made, except under special circumstances, the Judge to whom the application is made may take into consideration any additional special circumstances applicable to the person making it, although such special circumstances might not be applicable to the party chargeable with the bill if he were the party making the application. 1895, c. 29, s. 89.

Judge may order copy of bill to be given to such party, etc.

90. For the purpose of such reference upon the application of the party not being the party chargeable with the bill, or of a party interested as aforesaid, the 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 cost of such copy. 1895, c. 29, s. 90.

91. No bill previously taxed shall be again referred unless under the special circumstances of the case the Judge to whom the application is made thinks fit to direct the re-taxation thereof. 1895, c. 29, s. 91. No bill once taxed to be taxed again, unless by order.

92. The payment of any such bill as aforesaid shall not preclude the Judge to whom the application is made from referring such bill to taxation, if the application is made within twelve months after payment, and if the special circumstances of the case in the opinion of the Judge appear to require the same, upon such terms and subject to such directions as to the Judge seems right. 1895, c. 29, s. 92. Judge may refer bill for taxation, though paid.

93. All applications made to refer any bill to be taxed or for the delivery of a bill, or for the delivery 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 the Judge, be final and conclusive as to the amount thereof. 1895, c. 29, s. 93. Style of application. Certificate of taxing officer final, unless set aside.

94. Such certificate may be niled by the Solicitor, and he shall be entitled at the expiration of the date for payment stated in the order of reference to issue such process of execution, and to take such and the like proceedings for the recovery of the money so found by the said certificate to be due, as he would be permitted to issue and take if he had recovered and signed a judgment against the party chargeable with such bill for such amount in the Supreme Court. 1895, c. 29, s. 94. Execution on certificate of taxation.

95. In case a change of Solicitors at any time takes place, a Judge of the Supreme Court may, on application by summons on behalf of the client, order the Solicitor having the custody of any deeds, documents or papers of the client to deliver the same to the new Solicitor nominated by the client, upon payment into Court of the amount due to the Solicitor, or upon proper security being given at the discretion and to the satisfaction of the Judge. 1895, c. 29, s. 95. On change of Solicitors, Judge may order delivery of deeds, etc.

96. No penalty under this Act shall exceed one hundred dollars. 1895, c. 29, s. 96. Penalty.

97. All such penalties shall be recoverable before a Justice of the Peace, and shall be paid to the Treasurer for the use of the Society. 1895, c. 29, s. 97. How recoverable.

TIME.

98. Where in this Act the time for doing any act or taking any proceeding falls on Sunday or court holiday, or on a day which is a public holiday, the time shall be extended to the next day which is not a public holiday. 1895, c. 29, s. 98. OR Sunday or court holiday, or on a day which is a public holiday.

such act may be done or proceeding taken on the next juridical day. 1895, c. 29, s. 98.

Barristers and Solicitors may contract to be paid portion of proceeds of actions.

99. Notwithstanding any law or usage to the contrary, any Solicitor or Barrister in this Province may contract, either under seal or otherwise, with any person as to the remuneration to be paid him for services rendered or to be rendered to such person in lieu of or in addition to the costs which are allowed to said Solicitor or Barrister, and the contract entered into may provide that such Solicitor or Barrister is to receive a portion of the proceeds of the subject-matter of the action or suit in which any such Solicitor or Barrister is or is to be employed, or a portion of the moneys or property as to which such Solicitor or Barrister may be retained, whether an action or suit is brought for the same or a defence entered or not, and such remuneration may also be in the way of commission or percentage on the amount recovered or defended against, or on the value of the property about which any action, suit or transaction is concerned. 1901, c. 4, s. 1; 1902, c. 3, s. 5.

Modification or cancellation of contract by Judge.

100. At any time within three months after the making of such a contract the person who has so contracted with a Barrister or Solicitor, or the representative of such person, may apply by motion or petition to a Judge of the Supreme Court, and should the said Judge not consider the said contract fair and reasonable, he shall have power either to modify the contract or to order the contract to be cancelled, and the costs, fees, charges, and disbursements in respect of the business done to be taxed in the same manner as if no such contract had been made. 1901, c. 4, s. 1.

Provision in contract relieving from negligence void.

101. A provision in any such contract that the Barrister or Solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such Barrister or Solicitor, shall be wholly void. 1901, c. 4, s. 1.

Proviso.

102. Provided in any case of contract, which would be invalid but for section 99 of this Act, that the party to the action or suit making such contract fails in such action or suit, and thereby becomes a judgment debtor for the costs, the Judge or Court hearing such action or suit shall have power to order or decree that the Barrister or Solicitor with whom such contract was made was not, in the light of the evidence and of any other circumstances and facts which may be shewn to the Court, justified in bringing such action

or suit, and shall for such reason be liable for such costs in case the judgment debtor fails to pay the same within such period as the Judge or Court may fix; and such order or decree shall be considered a judgment of the Court, and be enforceable as such. 1901, c. 4, s. 1; 1902, c. 3, s. 7.

102a. This Act [c. 4 of 1901], shall not apply to pending litigation. 1901, c. 4, s. 2. Pending litigation.

Schedule.

FIRST SCHEDULE.

FORM OF VOTING PAPER.

Law Society of British Columbia.

ELECTION OF BENCHERS, 19 .

I, _____ of the
British Columbia, Barrister-at-Law, do hereby declare:—

1. That the signature hereto is my proper handwriting.
2. That I vote for the following persons as Benchers of the Law Society:

<i>A. B.,</i>	of the
<i>C. D.,</i>	of the
<i>E. F.,</i>	of the
<i>G. H.,</i>	of the
<i>H. K.,</i>	of the
<i>L. M.,</i>	of the
<i>N. O.,</i>	of the
<i>P. Q.,</i>	of the
<i>R. S.,</i>	of the

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

4. That this voting paper was executed on the day of the date thereof.

Witness my hand this _____ day of _____, A.D.
1895, c. 29.

Schedule.

SECOND SCHEDULE.

Law Society of British Columbia.

ANNUAL CERTIFICATE NO.

This is to certify that _____ has paid to the Law Society of British Columbia, under the provisions of the "Legal Professions Act," the sum of _____ dollars, and that the said _____ is hereby entitled to

practise as a _____ in the Province of
British Columbia for one year from the date hereof.

Dated _____ October, 19 _____

[Seal.]

Secretary.

1895, c. 29.

THIRD SCHEDULE.

Schedule.

BARRISTERS' OATHS.

I, *A. B.*, do swear (*or being one of the persons allowed by law to affirm in judicial cases, do affirm*) that I am a British subject by birth (*or naturalization, as the case may be*), and that I am of the full age of twenty-one years. So help me God.

I, *A. B.*, do sincerely promise and swear (*or being one of the persons allowed by law to affirm in judicial cases, do affirm*) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of the Dominion of Canada, dependent on and belonging to the said United Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against Her power, Crown, and dignity; and that I will do my utmost endeavours to disclose and make known to Her Majesty, Her heirs and successors, all treason and traitorous conspiracies and attempts which I shall know to be against Her or any of them, and all that I do swear (*or affirm*) without any equivocation, mental evasion, or secret reservation. So help me God.

The proper officer, under the direction of the Court, shall say to the Barrister:—

"You are called to the degree of Barrister to protect and defend the rights and interests of such persons as may employ you. You shall conduct all causes faithfully and to the best of your ability. You shall neglect no man's interest, nor seek to destroy any man's property. You shall not refuse causes of complaint reasonably founded, nor shall you promote suits upon frivolous pretences. You shall not pervert the law to favour or prejudice any man,

but in all things shall conduct yourself truly and with integrity. In fine, the Queen's interests and your fellow subjects you shall uphold and maintain according to the constitution and laws of this Province." 1902, c. 3, s. 6.

To which the Barrister shall answer:—

"All this I swear (*or* affirm) to observe and perform to the best of my knowledge and ability. So help me God."

SOLICITOR'S OATH.

The oaths of being a British subject, and of allegiance as required of a Barrister, and the following:—

"I, *A. B.*, do swear (*or*, being one of the persons allowed by law to affirm in judicial cases, do affirm) 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." 1805, c. 29.

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