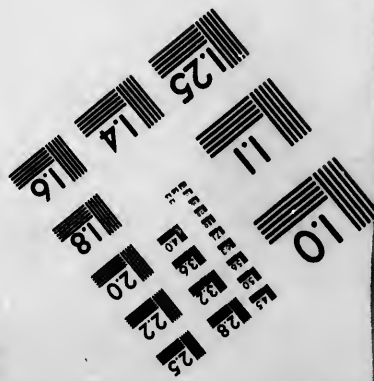
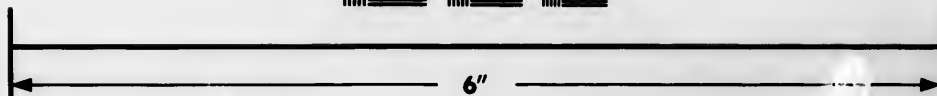
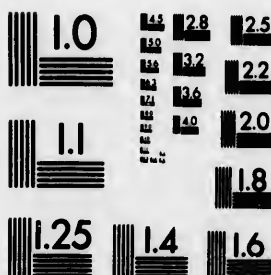


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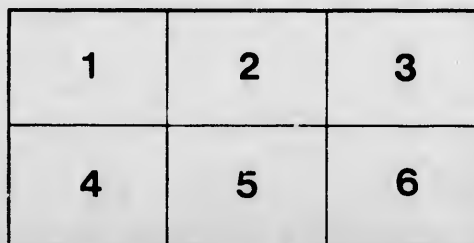
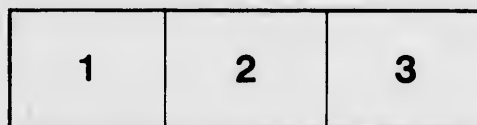
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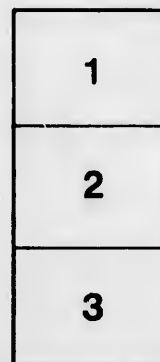
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OF
THE NOVA SCOTIA BARRISTERS' SOCIETY,
Passed on the 3rd day of July, 1899,
AND
THE BARRISTERS' AND SOLICITORS' ACT, 1899.

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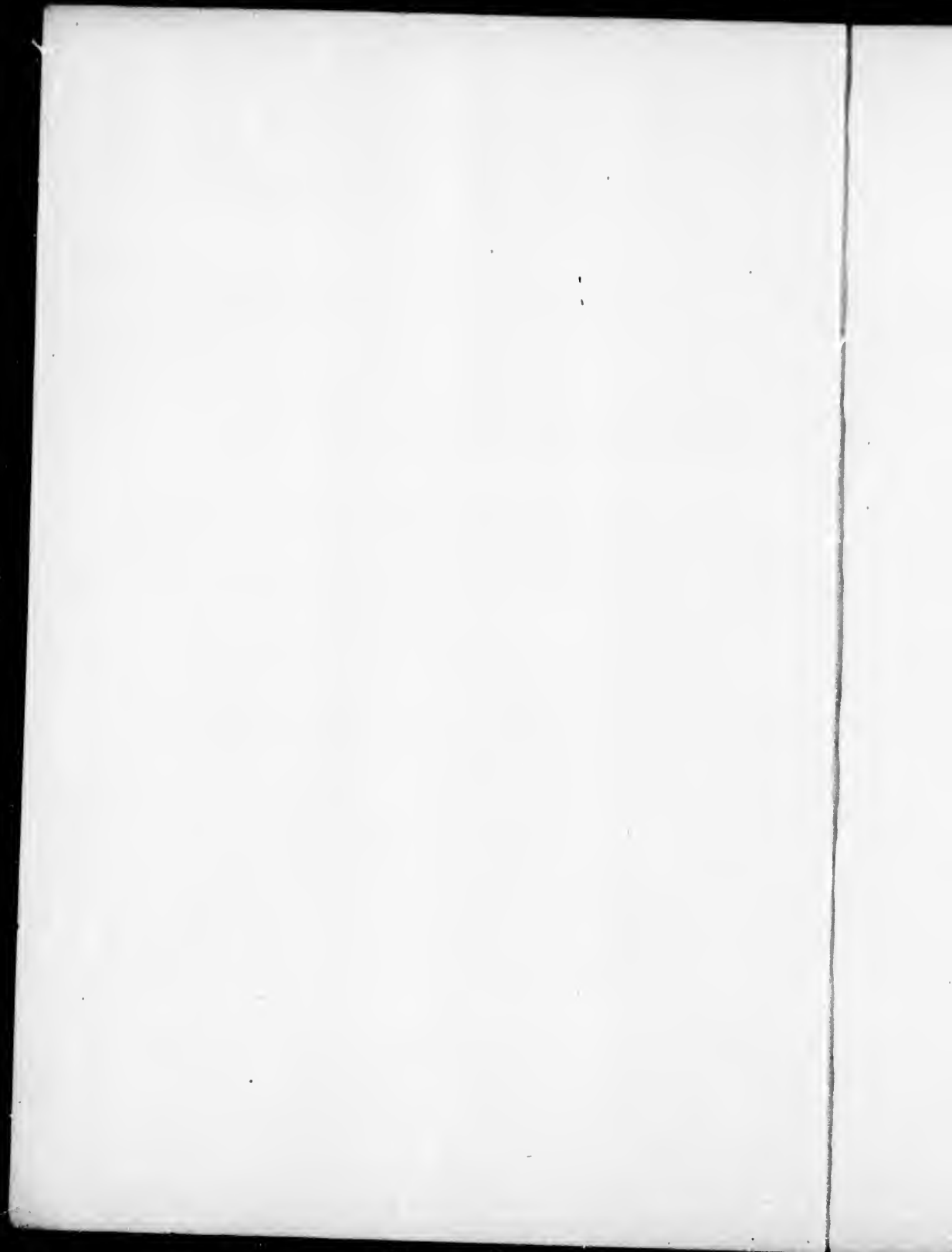
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The Nova Scotia Barristers' Society.

COUNCIL

Ex-officio.

THE ATTORNEY-GENERAL OF NOVA SCOTIA.

Elected for the year 1898-9:

ROBERT L. BORDEN, Q. C., *President.*

ARTHUR DRYSDALE, Q. C., *Vice-President.*

C. S. HARRINGTON, Q. C.

ROBT. E. HARRIS, Q. C.

F. T. CONGDON.

H. MELLISH.

D. McNEIL.

B. A. WESTON, *Treasurer.*

SECRETARY.

WM. R. FOSTER.

LIBRARIAN.

E. C. SWANSON.

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THE RULES & REGULATIONS

OF

THE NOVA SCOTIA BARRISTERS' SOCIETY,

PASSED JULY 3rd, 1899.

By the Council of the Nova Scotia Barristers' Society under and by virtue of "The Barristers and Solicitors Act, 1899," it is ordained as follows :—

INTERPRETATION.

1. Section 1 (2) of the "Act to amend and consolidate the Acts relating to Barristers and Solicitors" being Chapter 27 of the Acts of 1899, shall so far as material and applicable be considered as applying to the Rules and Regulations of the Society in like manner as if expressly incorporated therewith.

SEAT OF THE SOCIETY.

2. The permanent seat of the Society shall be in the City of Halifax.

SEAL.

3. The Seal of the Society heretofore in use shall continue to be the Seal of the Society.

4. The custody of the Seal of the Society shall be in the Treasurer, who shall countersign every instrument to which the Seal is affixed.

MEETINGS.

5. The Annual meeting of the Society shall be held at such place and time in the month of February in each year as the Council fixes.

6. Special meetings of the Society may be called at any time by the Council.

7. Whenever seven members of the Society file with the Secretary notice in writing requiring a meeting of the Society to be called and stating the object of such meeting the Council shall call a special meeting.

8. Notice of any meeting of the Society shall be sufficiently given if the same is published by three insertions in each of two daily morning newspapers published in the City of Halifax, the first insertion to be not less than ten days before the day of such meeting.

9. At each meeting of the Society the Minutes of the previous meeting shall be read, and after being approved shall be signed by the President.

10. The order of proceedings at the ordinary meetings of the Society shall unless otherwise decided by a vote of the meeting be as follows :

- (a) Reading the Minutes of the last meeting.
- (b) Receiving and considering reports of the Council, Treasurer and Librarian.
- (c) Receiving and considering Reports of Committees.
- (d) Election of Officers.
- (e) Any other business.

11. After any question is put to the meeting no further debate on the question shall be allowed, and the yeas and nays shall be recorded at the request of any two members of the Society.

12. Meetings of the Council may be called at any time by three members of the Council or by the President, or in his absence by the Vice-President.

13. Whenever requested by any two members of the Council or by any three members of the Society by notice in writing signed by them and stating the object of the meeting, the President, or in his absence the Vice-President, shall call a meeting of the Council.

14. It shall not be necessary in any notice calling a meeting of the Council to state the object thereof, unless the meeting is called in pursuance of the next preceding section.

15. Notice of any meeting of the Council shall be sufficiently given if the same is mailed postage prepaid to, or delivered at the usual business address of every member of the Council.

16. The proceedings of the Council shall be conducted as nearly as may be according to the ordinary parliamentary mode.

17. The President shall preside as chairman at all meetings of the Society and of the Council and in his absence the Vice-President and in the absence of both the senior Barrister present, who is a member of the Council, shall be chairman.

THE SECRETARY.

18. In addition to the duties prescribed by Statute the Secretary shall :

- (a) Attend all meetings of the Society and of the Council.
- (b) Keep the minutes of the proceedings of the Society and of the Council with proper indices thereto.
- (c) Conduct all necessary correspondence.
- (d) Safely keep the records and all documents of the Society and of the Council.
- (e) Perform all other services incidental to the office or that may be assigned to him by the Rules of the Society or by the Council.

19. The Secretary shall be paid a salary of one hundred dollars per annum, or such other salary as shall be voted to him by the Society at any annual meeting.

THE TREASURER.

20. In addition to the duties prescribed by Statute the Treasurer shall :

- (a) Receive all monies payable to the Society and hold the same subject to the order of the Council.

- (b) Keep proper books of account in which shall be entered all monies received and paid out by him for the Society.
- (c) Make a report at every annual meeting to the Society, and whenever required to the Council, showing all monies received and paid out by him during the year.
- (d) Perform all other services incidental to the office or that may be assigned to him by the Rules of the Society or by the Council.
- (e) Safely keep the records and all documents of the Society and Council relating to his office.

21. The Treasurer for the time being may be required to give security by bond of some guarantee company to the Society to such amount as the Council from time to time requires for the due performance of the duties of his office, the Society to pay the premium therefor.

22. The Union Bank of Halifax, or other Chartered Bank, duly authorized by the Council, shall be the Bank of deposit and account for the Society, and the Treasurer shall from time to time deposit therein to the credit of the Society all monies received for and on account of the Society.

23. All monies of the said Society deposited in the said Bank when required for the purposes of the said Society shall be drawn and paid out upon a cheque signed by the Treasurer and countersigned by one member of the Council.

LIBRARY.

24. The Librarian shall:

- (a) Have the immediate and general charge of the Library under the superintendence of the Council.
- (b) Keep an account of all monies received by him belonging to the Society, and pay the same to the Treasurer forthwith.

25. The Council shall have the general supervision and management of the Library and shall purchase such books therefor as it deems advisable.

26. The Library shall be kept open daily (except as hereinafter mentioned) from 9 a. m. until 5 p. m., between September 15th and July 15th, and from 9 a. m. to 4 p. m. between July 15th and September 15th or until the Court rises, if sitting after either of the above hours.

27. The Library shall be closed on Sunday, New Year's Day, Good Friday, Her Majesty's Birthday, Dominion Day, Christmas Day, and any other day set apart by public proclamation as a holiday, and on Saturday after 1 p. m., except when the Supreme Court or County Court is sitting.

28. No conversation shall be carried on in the Library.

29. No person shall deposit his hat, overcoat or umbrella in the Library.

30. All books taken out of the Library for use in Court or Chambers must be signed for in the register and must be returned the same day by the person taking the same.

31. Any person taking any books from the Library without signing his name for same or failing to return same as hereinbefore directed shall be liable to forfeit the right to use the Library.

32. Persons entitled to the use of the Library may take out any books, other than reports, at the closing hour of the Library, on signing a memorandum, with the name or names of the volume or volumes thereon, and leaving the same with the Librarian; such books to be returned at the opening of the Library the following day. Any person in any way violating this rule shall pay to the Society a fine of fifty cents, besides fifty cents for each day that any volume is kept out; and if any volume be not returned after six days' notice by the Librarian, the value of the volume, or if it be one of a set, the value of the whole set shall be required to be paid, the value to be estimated according to the cost of importation. Any person not complying with this rule shall be excluded from the Library.

33. The use of the Library shall be restricted to members, and to their students, who have received from the Barrister with whom they are studying, a written permission for the use thereof, to be filed with the Librarian, and to the Judges of the Supreme Court and County Court.

34. There shall be annually devoted to the Law Library, for the purchase of books, as much money as can be spared from the funds of the Society.

35. It shall be the duty of the Librarian to report to the Council any infringement of the Regulations regarding the Library.

PRELIMINARY EXAMINATION.

(1899 Cap. 27, Sections 9, 13, (3).)

36. (1) The Preliminary Examination prescribed by the Council shall be on the subjects following :

(a) LATIN.—Translation, Grammar and Composition, Authors, Cæsar, *De Bell, Gall.*, Books V. and VI., Virgil, *Æneid*, Books III. For Virgil, the Candidate may substitute the Institutes of Justinian, Book I.

(b) GREEK.—Translation, Grammar and Composition, Authors, Xenophon, *Anab.*, Books I, II and III.

Or,—

FRENCH.—Translation Grammar and Composition, Authors, Voltaire, Charles XII, SCUVESTRE : *Un Philosophe sous les toits*. To translate easy authors or newspapers at sight.

Or,—

GERMAN.—Translation, Grammar and Composition, Adler's German Reader. To translate easy German at sight.

(c) MATHEMATICS.—Arithmetic as in *Hamblin's Smith's* : Algebra, as in *Todhunter's Algebra* for beginners : Geometry, Euclid, Books I, II, III and IV, with easy exercises.

(d) ENGLISH.—Grammar, Analysis and Composition, as in Nova Scotia prescribed Text Books for the Public Schools. Critical study of Shakespeare's play, Hamlet (Rolfe's edition recommended.)

- (e) HISTORY AND GEOGRAPHY.—British and Canadian History, as in Nova Scotia prescribed Text Books for the Public Schools: General Geography, as in the prescribed Text Books, Calkins.

(2). Any person who :

- (a) Holds the degree of Bachelor of Arts of any College or University in Great Britain or Ireland or in any Province of Canada empowered to grant such degree, or
- (b) Holds a Grade "A" License from the Council of Public Instruction for the Province of Nova Scotia, and
- (c) Who files a satisfactory certificate with the Secretary that he holds such degree or license as the case may be

Shall be deemed to have passed such examination or examinations as are accepted in lieu of the preliminary examination and shall not be required to pass the same.

INTERMEDIATE EXAMINATION:

37. (1). The Intermediate Examination prescribed by the Council shall be on the subjects following :

- (a) Stephen's Commentaries or, Broom and Hadley's Commentaries.
- (b) Smith's Principles of Equity.
- (c) Anson on Contracts.
- (d) Bigelow on Torts (Students Series).
- (e) Creasy on the rise and progress of the English Constitution, with questions on the text of the B. N. A. Act.

(2). No Candidate shall be admitted to an intermediate examination unless he has served as a duly articulated clerk for at least one year.

(3). Every Candidate for Intermediate Examination shall at least one week before the date fixed for such examination file with the Secretary a Statutory declaration that he is in all respects qualified to be admitted to such Intermediate Examination.

(4). Any person who:

(a) Has passed successfully an examination at Dalhousie University, Halifax, in all the subjects of the Law School Curriculum for the second year, and

(b) Who files with the Secretary a satisfactory Certificate that he has passed such examination

Shall be deemed to have passed such examinations as are accepted in lieu of the intermediate examination and shall not be required to pass the same.

FINAL EXAMINATION.

38. (1). The Final Examination prescribed by the Council shall be on the subjects following:

(a) Equity Jurisprudence.

(b) Commercial Law, including Shipping, Insurance, Bills and Notes, Sales, Agency and Partnership.

(c) Procedure and Evidence.

(d) Constitutional Law and History, Taswell Langmead's Constitutional History of England, Cartwright's Cases on the B. N. A. Act.

(2). No candidate shall be admitted to a final examination until the expiration of at least one year from his having passed the intermediate examination or such examination or examinations as are accepted in lieu thereof.

(3). No person shall be admitted to the final examination previously to the last six months of his term of service under articles.

(4). Every candidate for final examination shall, at least one week before the date fixed for such examination, file with the Secretary a statutory declaration that he is in all respects qualified to be admitted to such final examination.

(5.) No certificate of having passed the final examination shall be granted to any person until the term of service required for his admission to the bar has fully expired.

(6.) Any person who

(a) Holds the degree of Bachelor of Laws from Dalhousie University, Halifax, and

(b) Files with the Secretary a satisfactory certificate that he holds such a degree,

shall be deemed to have passed such examination or examinations as are accepted in lieu of the final examination and shall not be required to pass the same, but no motion shall be made for his admission to the bar until such term of service has fully expired.

GENERAL PROVISIONS AS TO EXAMINATIONS.

39. (1). All examinations shall be by written or printed questions to be answered in writing.

(2). Examinations shall be conducted by an examiner or examiners appointed by the Council and shall be held on the third Tuesday in February and on the first Tuesday in September in each year, at the County Court House in the City of Halifax or at such other place as the Council may designate. Such examinations shall commence at ten o'clock in the forenoon and may be continued from day to day if necessary.

(3). Every Candidate shall notify the Secretary of the Examination at which he intends to present himself and pay to the Treasurer the prescribed fees at least one week before the date fixed for such examination.

(4.) At the conclusion of every examination the examiners shall deliver to the Secretary a report showing the per centage made by each Candidate in each subject of the number of marks which would be awarded to perfect answers.

(5). The Council shall grant certificates signed by the President and Secretary to successful candidates who are entitled to the same but the Council shall not grant a certificate to any candidate who has obtained less than twenty-five per cent in any one subject or less than an average of fifty per cent. on all the subjects of the examination.

ADMISSION OF BARRISTERS AND SOLICITORS.

40. No person shall be admitted as a Barrister or Solicitor of the Supreme Court unless he has passed the required examinations, paid the prescribed fees, filed the requisite certificates, and in all other respects complied with the Statutes, and the Rules and Regulations of the Society.

41. It shall be the duty of the President, and in his absence of the Vice-President, to inquire into the regularity of every admission to the office of Barrister or Solicitor, and to guard against and oppose in the name of the Society every irregular or improper admission, and to advance such objections in every case as may be thought expedient or necessary for the honor or credit of the profession.

42. The certificates given to every student previous to their admission shall be scrutinized and canvassed by the Council, and any false representation contained therein shall, if expedient, be brought to the notice of the Court, in order to prevent the admission of such student.

43. (1). If any certificate required by law cannot be obtained, by reason of the death of the Barrister with whom a student has been articulated, or from any other cause, the fact shall be substantiated by an affidavit of such student to be submitted to the Council.

(2). The Council may institute an enquiry as to the matters contained in such affidavit and receive counter affidavits and shall decide such matters in such manner as is just.

44. Any person who desires to be sworn in as a Barrister or Solicitor.

(1). Shall present himself at the robing room in the proper costume of the Court.

(2). On the assembling of the Court, he shall be presented to the Court by some member of the Council who is in attendance for that purpose, and thereupon he shall take the oath prescribed in that behalf.

(3). No person shall be sworn in as a Barrister or Solicitor except in the manner provided for in this rule.

FORMS.

45. Articles of Clerkship of any articled Clerk may be in the form "A" in the Schedule and any assignment of such articles may be in the form "B" in the Schedule.

46. The forms C, D, E, F, G, H and I, set out in the Schedule hereto, or such other forms as the circumstances may require, may be used on the application for admission.

47. The certificate mentioned in Section 27 of "The Barristers and Solicitors Act, 1899," shall be in the form "J" in the Schedule hereto.

48. The certificate of admission mentioned in Section 20 of "The Barristers and Solicitors Act, 1899," shall be in the form "K" in the Schedule hereto.

FEES.

49. The following fees shall be payable to the Society by every person applying :

(a) For preliminary examination.....	\$ 25 00
(b) For intermediate examination.....	25 00
(c) For final examination.....	100 00
(d) For admission as an articled clerk, if the fee for preliminary examination has not been paid.....	25 00
(e) For admission as Solicitor or Barrister (if the fees for Intermediate and Final examinations have not been paid).....	125 00
(f) For admission as Barrister or Solicitor under Sec. 14 of "The Barristers and Solicitors Act 1899".....	225 00
(g) By petition to the Council for special relief	2 00
(h) For certificate of admission as an Articled Clerk.....	1 00

- (i) For Barristers or Solicitors Certificate..... § 2 00
- (j) For any certificate (other than the Annual
Certificate issued to Barristers)..... 1 00

50. The foregoing section shall not apply to any article clerk whose articles were filed with the Secretary on or before the passing of the Barristers and Solicitors Act 1899, on the 30th day of March, 1899, but such article clerks shall pay the fees prescribed and payable under the law in force at that date.

51. If any Candidate fails to pass any examination or is rejected on any other ground, the fee deposited by him according to the Statute or the Rules of the Society shall be returned to him less \$10.00.

REPEAL.

52. The Rules and By-Laws of the Society heretofore in force are hereby repealed, but such repeal shall be subject to the following conditions and qualifications :

- (a) The officers and persons acting under the said Rules or By-Laws hereby repealed shall continue to act until others are appointed in their stead, and all proceedings taken under the said Rules or By-Laws shall be taken up and continued under these Rules and Regulations when not inconsistent herewith, and all penalties and forfeitures may be recovered and all proceedings had in relation to the matters which have happened before the said repeal in the same manner as if the said Rules and By-Laws hereby repealed were still in force.
- (b) No offence committed and no penalty or forfeiture incurred and no proceeding pending under the said Rules or By-Laws hereby repealed or under any regulation made thereunder, shall be affected by the said repeal.

SCHEDULE.

FORM "A"

ARTICLES OF CLERKSHIP.

ARTICLES OF AGREEMENT made theday of.....
in the year of our Lord one thousand nine hundred and.....
.....BETWEEN A. A. of.....in the County of
.....and Province of Nova Scotia, 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. of.....in
the County of.....a Barrister and Solicitor of the
Supreme Court of the Province of Nova Scotia 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 during and
until the full end and term of.....years from hence next
ensuing.

And the said A. A. doth hereby for himself, his heirs, execu-
tors 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 and profession of a Solicitor and Barrister of the
Supreme Court of Nova Scotia from the day of the date hereof
during and until the full end of the said term of.....years.

And that the said B. A. shall not at any time during said
term waste, embezzle, spend, cancel, obliterate, injure, spoil, destroy
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 employees, and further 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 part-
ners, 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. his executors and administrators, 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 and knowledge, teach and instruct or cause to be taught and instructed the said B. A. in the said practice or profession of a Barrister and Solicitor of the Supreme Court of Nova Scotia 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 said term use his best means and endeavors 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	}[L.S.]
in presence of	[L.S.]
.....	[L.S.]

FORM "B."

ASSIGNMENT OF ARTICLES.

THIS INDENTURE made (in duplicate) the.....day of.....
in the year of our Lord one thousand nine hundred and
, between S. S. of.....in the County of.....
 a Barrister and Solicitor of the Supreme Court of Nova Scotia,
 of the first part, B. A. of the same place, Student-at-law of the
 second part. And T. T. of.....in the County of.....
 a Barrister and Solicitor of the said court, of the third part.

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

AND WHEREAS the said B. A. hath served S. S. 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 S. S. shall
 assign to the said T. T. all benefit and advantage of him the said
 S. S. 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
 B. A. shall put, place and bind himself as clerk to the said T. T.
 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 S. S. at the request and with the
 consent of the said B. A. 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 T. T.
 all benefit and advantage, interest, claim and demand whatsoever
 of him the said S. S. under the hereinbefore in part recited

Articles of Clerkship, and the service of him the said B. A. under or by virtue of the same to have and to hold all right and interest whatsoever of him the said S. S. in and to the service of him the said B. A. under or by virtue of the same unto the said T. T. his executors, administrators and assigns.

And this Indenture further witnesseth that the said B. A. 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 T. T., 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 B. A. doth hereby covenant with the said T. T., his executors, administrators and assigns, that the said B. A. shall and will well, faithfully and diligently, serve the said T. T. as his clerk in the practice and profession of a Solicitor of the Supreme Court of Nova Scotia 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 B. A. (the receipt whereof the said T. T. doth hereby acknowledge) the said T. T. for himself, his heirs, executors and administrators, doth hereby covenant with the said B. A., that the said T. T. will accept and take the said B. A. as his clerk, and also that the said T. T. 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 S. S.

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

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

FORM "C."

(AFFID. OF APPLICANT), SEC. 13 (4 AND 5).

IN THE SUPREME COURT, 19....

IN THE MATTER of the application of B. A. for admission as a Barrister and Solicitor of the Supreme Court of Nova Scotia.

I, B. A., of....., in the County of.....
 Articled Clerk, make oath and say as follows :

1. That I duly passed the preliminary examination prescribed by the Council of the Nova Scotia Barristers Society on the..... day of....., A.D., 19...., and herewith produced and marked exhibit "A" to this affidavit is a certificate of my having passed such examination.

2. That I entered into articles of clerkship with S. S., of....., in the County of....., a Barrister and Solicitor of the Supreme Court of Nova Scotia, by articles dated the.....day of....., A.D., 19...., and a copy of said articles of clerkship is herewith produced marked exhibit "B" to this affidavit.

3. That the said articles of Clerkship were duly filed in the office of the Secretary of the Nova Scotia Barristers Society on the.....day of....., A.D., 19...., as appears by the certificate of....., the Secretary of the said Nova Scotia Barristers Society, herewith produced and marked exhibit "C" to this affidavit.

4. That I actually and bona fide served in the office of the said E. F. under the said articles of Clerkship from the.....day of....., A.D., 19...., until the.....day of....., A.D., 19...., except during the period of my attendance at the Institution of legal education hereinafter mentioned, and that during my said term of service I was not engaged in any employment, other than attendance at such Institution of legal education, which had the effect of interfering with my reasonable attendance and service at the office of the said S. S., as will appear by the certificate of the said S. S. herewith produced and marked exhibit "D" to this affidavit.

5. That I duly passed all the examinations required by the faculty of the Law School of.....College (or University) for the Degree of Bachelor of Laws, including the examination in Procedure, and successfully completed my course in said.....College (or University) and that I hold the Degree of Bachelor of Laws from the said Law School (College or University) as appears by the certificate of.....the Dean of the Faculty of the Law School of said.....College (or University) herewith produced and marked exhibit "E" to this affidavit.

6. That I have paid to the Treasurer of the Nova Scotia Barristers Society all the Fees prescribed by "The Barristers and Solicitors Act, 1899," and the Rules and Regulations made thereunder to entitle me to admission as a Barrister and Solicitor of the Supreme Court of Nova Scotia, as will appear by the certificate of the Treasurer of the Nova Scotia Barristers Society herewith produced and shown to me and marked exhibit "F" to this affidavit.

7. That I have duly filed in the office of the Prothonotary at Halifax, certificates of having passed the Preliminary examination prescribed by the Council of the Nova Scotia Barristers Society, and also of my holding a Degree of Bachelor of Laws, and of good moral character and regular attendance, as appears by the certificate of the said Prothonotary herewith produced and shewn to me and marked exhibit "G" to this affidavit.

8. That I am of the full age of twenty-one years.

Sworn to at Halifax, in the
County of Halifax, this.....day of
.....A. D., 19..... Before me,

A Commissioner of the
Supreme Court in and for
the County of Halifax.

FORM "D."

(CERTIFICATE OF SECRETARY OF N. S. BARRISTERS SOCIETY.)

IN THE SUPREME COURT 19....

IN THE MATTER of the application of B. A. for admission as
a Barrister and Solicitor of the Supreme Court of Nova Scotia.

I,.....of Halifax, in the County of Halifax,
Secretary of the Nova Scotia Barristers Society, do hereby certify
that the original Articles of Clerkship between the above named
B. A. and S. S. of.....in the County of.....
in the Province of Nova Scotia, a Barrister and Solicitor of this
Honourable Court, were duly filed in my office on the.....day of
.....19....and at the same time a certificate that the said
B. A. had passed the preliminary examination prescribed by the
Council of the Nova Scotia Barristers' Society, was also duly filed
in my office.

Dated at Halifax, this.....day of.A. D., 19....

.....
Secretary of the N. S. Barristers' Society.

FORM "E."

(CERTIFICATE OF TREASURER.)

IN THE SUPREME COURT, 19....

IN THE MATTER of the application of B. A. for admission as
a Barrister and Solicitor of the Supreme Court of Nova Scotia.

I,.....of Halifax, in the County of Halifax,
Treasurer of the Nova Scotia Barristers Society, do hereby certify
that the above named B. A. has paid all fees required by the
Rules and Regulations of the Nova Scotia Barristers' Society to
entitle him to admission as a Barrister and Solicitor of the
Supreme Court of Nova Scotia.

Dated at Halifax, this.....day of.....19....

.....
Treasurer of the N. S. Barristers Society.

FORM "F."

(CERTIFICATE OF BARRISTER.)

IN THE SUPREME COURT, 19....

IN THE MATTER of the application of B. A. for admission as a Barrister and Solicitor of the Supreme Court of Nova Scotia.

I, S. S., of.....in the County of.....a Barrister and Solicitor of the Supreme Court of Nova Scotia, do hereby certify that B. A., the above named applicant, under and by virtue of the Articles of Clerkship bearing date the.....day ofA. D., 19.... actually and bona fide served with me as my clerk in my said profession and in my office from the.....day of.....A. D., 19.... to the.....day of.....A. D., 19.... and that during the said period he has not been engaged in any employment other than attendance at..... College, (an Institution of legal education) which has had the effect of interfering with his reasonable attendance and service at my office.

And I further certify that the said B. A. is a person of good moral character and a fit and proper person to be admitted a Barrister and Solicitor of the Supreme Court of Nova Scotia.

Dated at..... this.....day of.....A. D., 19....

FORM "G."

(CERTIFICATE THAT APPLICANT HOLDS THE DEGREE OF BACHELOR OF LAWS.

IN THE SUPREME COURT, 19....

IN THE MATTER of the application of B. A., for admission as a Barrister and Solicitor of the Supreme Court of Nova Scotia.

I,....., Dean of the..... Faculty of the Law School of..... College, (or University) do hereby certify that B. A. the above named applicant has passed all the examinations required by the Faculty

of the Law School of.....College, (or University,) for the degree of Bachelor of Laws, including examination in procedure and that the said B. A. holds the degree of Bachelor of Laws from the said Law School (College or University).

Dated Halifax, this.....day of....., A.D., 19....

FORM "H."

(CERTIFICATE OF PROTHONOTARY.)

IN THE SUPREME COURT, 19....

IN THE MATTER of the application of B. A. for admission as a Barrister and Solicitor of the Supreme Court of Nova Scotia.

I,....., Prothonotary of the Supreme Court of Nova Scotia at Halifax, do hereby certify that the above named B. A. has duly filed in my office a certificate of having passed the preliminary examination prescribed by the Council of the Nova Scotia Barristers Society, also a certificate that he holds the degree of Bachelor of Laws from the Law School ofCollege, (or University), together with a certificate of the Secretary of the Nova Scotia Barristers Society that his articles were duly filed as required by law and also a certificate of service under articles, and of good moral character from S. S., the Barrister with whom he served, and also a certificate of the Treasurer of the Nova Scotia Barristers Society that he has paid all fees prescribed by the Rules and Regulations of the Nova Scotia Barristers Society to entitle him to admission as a Barrister and Solicitor of the Supreme Court of Nova Scotia.

Dated at Halifax, this.....day of. A. D., 19...

.....
Prothonotary.

FORM "I."

(ORDER FOR ADMISSION.)

IN THE SUPREME COURT.

IN THE MATTER of the application of B. A. for admission as a Barrister and Solicitor of the Supreme Court of Nova Scotia.

UPON HEARING READ the affidavit of the above named B. A., sworn herein theday of.....A. D., 19..., a copy of the original Articles of Clerkship between the said B. A. and S. S., dated the.....day of.....A. D., 19..., the certificate ofSecretary of the Nova Scotia Barristers Society, dated the.....day of.....19..., the certificate of the said S. S., dated the.....day of.....19..., the certificate of Simon H. Holmes, Prothonotary of this Honourable Court at Halifax, dated the.....day of.....A. D., 19..., and the certificate of the Treasurer of the Nova Scotia Barristers Society, dated the.....day of.....A. D., 19..., and upon motion of Mr.....

IT IS ORDERED that the said B. A. be admitted a Barrister and Solicitor of this Honourable Court upon signing the Roll and taking the oath prescribed by Section 17, Chapter 27 of "The Barristers and Solicitors Act, 1899."

Dated at Halifax, the.....day of.....19...

FORM "J."

No.....

THE NOVA SCOTIA BARRISTERS' SOCIETY.

19.....

THIS IS TO CERTIFY that.
 of.....in the County of.....
 has paid the fee of.....dollars for the year
 ending June 30th, A. D., 19... as provided in and by
 Chapter 27 of the Acts of the Legislature of Nova
 Scotia for the year A. D. 1899 and that the said.....
is a practising Barrister and Solicitor.

IN TESTIMONY WHEREOF I,.....
 Secretary of the Nova Scotia Barristers' Society, have
 to these presents affixed the seal of the said Society
 at Halifax, this.....day of.....A. D. 19...

THE NOVA SCOTIA BARRISTERS' SOCIETY.

.....Secretary.

.....Treasurer.

FORM "K."

(CERTIFICATE OF ADMISSION.)

THE NOVA SCOTIA BARRISTERS SOCIETY.

This is to certify that.
 of.....was duly admitted a Barrister and
 Solicitor of the Supreme Court of Nova Scotia on the.....
 day of.....A. D., 19...

IN TESTIMONY WHEREOF, I,.....Secretary
 of the Nova Scotia Barristers Society, have hereunto affixed the
 seal of said Society, and subscribed my name this.....day of
A. D., 19....

.....
Secretary of the N. S. Barristers Society.

CHAPTER 27, ACTS OF 1899.

An Act, to amend and Consolidate the Acts relating to Barristers and Solicitors.

Be it enacted by the Governor, Council, and Assembly, as follows:—

1. (1) This Act may be cited as "The Barristers' and Solicitors' Act, 1899."

(2) In this Act unless the context otherwise requires "the Society" means the Nova Scotia Barristers' Society, "the Council" means the Council of the Society, "Secretary" means the Secretary, "Treasurer" means the Treasurer of the Society; "Prothonotary" means Prothonotary of the Supreme Court, "regulations" or "regulations of the Society" includes rules, regulations and by-laws made by the Council, "articled clerk" means a student at law who has bound himself by contract in writing to serve with a practising Solicitor.

PRECEDENCE.

2. The Lieutenant-Governor by letters patent under the great seal of the Province of Nova Scotia, may appoint from among the members of the bar of Nova Scotia, such persons as he may deem right, to be, during pleasure, provincial officers under the name of Her Majesty's Counsel learned in the law in the Province of Nova Scotia.

3. The members of the bar in this province shall have precedence in the courts of the province in the following order:—

(1) The Attorney-General for the time being of the Dominion of Canada.

(2) The Attorney-General for the time being of the province.

(3) The members of the bar who have been or who shall hereafter be appointed Queen's Counsel according to the seniority of appointment as such counsel; provided that all members of the bar of Nova Scotia who heretofore have been appointed Queen's Counsel by letters patent under the hand of the Governor-General of Canada, and who may, after the passing of this Act, be appointed Queen's Counsel by letters patent under the hand of the Lieutenant-Governor of this province, shall have precedence according to the date of their appointment as Queen's Counsel under the hand of the Governor-General.

4. The remaining members of the bar shall as between themselves have precedence in the Courts in the order of their call to the bar.

5. No person shall be so appointed who is not of at least ten years' standing at the bar of the province.

6. The right of precedence which appertains to any member of the bar when acting as counsel for Her Majesty or for any Attorney-General of Her Majesty in any matter depending in the name of Her Majesty or of the Attorney-General in any court of this province, is not affected by the foregoing provisions.

ADMISSION.

7. No one shall practise as a solicitor or barrister unless and until he has been duly admitted; and no person who has been admitted as a barrister or solicitor shall practise after he has been struck off the roll and before he has been restored, nor while he is suspended from practising.

8. Except as hereinafter provided, no person is entitled to admission as a barrister or solicitor unless he has served under articles of clerkship with a practising solicitor in this province for the term of at least four years. Any such articles of clerkship may be assigned to any other practising solicitor from time to time.

9. No person shall be considered an articled clerk unless he has first passed the preliminary examination prescribed by the Council, or such examination or examinations as are accepted by

the Council in lieu thereof, under the provisions of this Act, and unless he has paid to the Treasurer all fees prescribed by the Council, and unless he has filed his articles of clerkship or a duplicate thereof with the Secretary as herein provided.

10. (1) The term of service for articulated clerks shall be computed from the time of filing the articles of clerkship or a duplicate thereof with the Secretary.

(2) Such articles of clerkship shall be accompanied by satisfactory evidence that the person filing the same has passed the preliminary examination, or such examination as may have been accepted in lieu thereof, and that such person has paid all fees prescribed by this Act or by the regulations of the Society.

(3) In case articles of clerkship are assigned, every such assignment shall be filed with the Secretary, and subsequent service under such articles shall be computed from the date of filing such assignment.

11. In the event of the death of the solicitor with whom any clerk is articulated, such clerk may be articulated to another practising solicitor and may serve the remainder of his term with such other solicitor, but the articles of clerkship with such other solicitor must be filed with the Secretary in the manner and subject to the conditions hereinbefore prescribed.

12. No person is entitled to admission as a barrister or solicitor until he attains the full age of twenty-one years.

13. Except as otherwise provided in this Act, no person shall be admitted as a solicitor unless he has complied with the conditions and provisions hereinafter contained.

(1) He must serve under articles of clerkship with a practising solicitor.

(a) If at the time of being articulated with such practising solicitor he holds the degree of Bachelor of Arts of any College or University recognized by the Council, for the period of three years.

(b) If at the time of his application for admission he holds the degree of Bachelor of Laws from any law school, college or university recognized by the Council, for the period of three years.

(c) In all other cases for the period of four years.

(2) During his term of service he shall not be engaged in any employment other than attendance at an institution of legal education which would have the effect of interfering with his reasonable attendance and service at the office of the solicitor with whom he is articled; and except during the period of such attendance at an institution of legal education he must bona fide serve for the respective terms aforesaid in the office of the solicitor with whom he is articled.

(3) He must first pass the preliminary, intermediate, final and other examinations prescribed by the Council, or such examinations as shall under the provisions of this Act or under any regulation of the Council be accepted in lieu thereof.

(4) He shall produce evidence to the satisfaction of the Council that he has complied with all the foregoing provisions and with all other provisions of this Act, and, such evidence, together with a certificate of good moral character from the solicitor with whom he was last articled, and evidence that he has paid all fees prescribed by this Act or by the rules of the Society, must be lodged with the president of the Society at least forty-eight hours before the time at which the motion for the admission of such person as a solicitor is to be made.

(5) He shall comply with any other conditions which the Council may by regulation prescribe from time to time.

14. (1) A barrister of any superior court in Great Britain and Ireland shall be entitled to be admitted to practise as a barrister and solicitor on producing evidence satisfactory to the Council that he is a barrister at the time of application, and that he is in good standing, and that he is of good moral character.

(2) A barrister, attorney or solicitor of any Superior Court in Her Majesty's colonies, and a solicitor of any court in Great Britain or Ireland, on producing evidence satisfactory to the Council that he is such barrister or solicitor at the time of application and that he is in good standing and of good moral character, and also that he has served as an articled clerk for a term equal to that hereinbefore prescribed for articled clerks in this Province, and upon passing the usual final examinations

required in the case of articled clerks, shall be entitled to be admitted as a solicitor.

(3) Barristers of Her Majesty's Superior Courts in any of Her Majesty's dominions in which the same privileges are extended to barristers of the Supreme Court of this Province, on producing satisfactory evidence of their admission and of their good standing and good moral character, shall be entitled to admission as barristers of the Supreme Court of Nova Scotia.

(4) Every person applying for admission under this section shall before such admission pay such fees to the Society and fulfil such other conditions as are prescribed from time to time by the Council.

15. The Council may, by special resolution, provide that any person who has been under articles of clerkship in any other Province of the Dominion for the same period as is required for admission as a solicitor in this Province, may be admitted upon payment of the prescribed fees to the final examination next after the passing of such resolution, and any person so permitted to attend such final examination who successfully passes the same is entitled to be admitted as a solicitor upon furnishing such evidence of the matters aforesaid and upon payment of such further fees as are prescribed by the Council.

(2) In case any person has heretofore passed such examination and given evidence of such educational attainments, and served for such period in the office of a solicitor, whether under articles or otherwise, as in the judgment of the Council, are equivalent to the examination, service and certificates required by this Act, or by any regulations made thereunder, the Council, by special resolution in such case, may dispense with any of the requirements or conditions provided or contained in the nine next preceding sections, or in any regulations made under this Act, and may recommend the admission of any such person as a barrister or solicitor, upon such conditions, and upon payment of such fees as the Council shall determine, and the Court, upon proof of the passing of such resolution, may admit such person as a barrister or solicitor, notwithstanding the non-compliance by such person with any of the provisions contained in the said nine next preceding sections, or in any regulations made under this Act.

16. Every person entitled to be admitted as a solicitor is also entitled to be admitted as a barrister.

17. Before any person is admitted as a barrister or solicitor, he shall take the following oath before the Prothonotary at Halifax:—

“ I, A. B., do swear that I will truly and honestly demean myself in the practice of a barrister and solicitor, (or as the case may be) in each and every matter and proceeding in which I shall be employed as such, according to the best of my knowledge and ability. So help me God.”

18. No person shall be admitted as a barrister or solicitor unless and until he has paid such fees as are prescribed in that behalf by the Council.

19. No person shall be deemed to be admitted as a barrister or solicitor until he has signed the roll.

20. (1) The Secretary is empowered to give certificates of the admission of barristers and solicitors authenticated by the seal of the Society, and no other certificate shall be necessary.

(2) The Prothonotary of the Supreme Court at Halifax shall, on the admission of a solicitor be entitled to a fee of fifty cents for signing and filing the order of the Court for such admission, and the further sum of fifty cents for each oath administered, but to no other fee in connection with such admission.

21. (1) Barristers and solicitors are entitled to practise in all courts within this province, and to prosecute and defend all actions and proceedings, but nothing herein contained shall interfere with or affect the wholesome control which Her Majesty's Courts are authorized to exert over the several practitioners, therein, or to prevent any such Court from suspending, silencing, dismissing or striking off the roll any barrister, advocate, attorney, solicitor or proctor, for malpractice or misconduct.

(2) Barristers and solicitors (except as otherwise provided in this Act) may sue for and recover their reasonable and lawful fees, costs, charges and necessary disbursements for and in connection with professional services rendered by them while entitled to practise, and while holding the certificates required by this Act.

22. No solicitor not actually practising his profession, except only the Prothonotary at Halifax, being a solicitor, shall take or retain any law student as an articled clerk; and no person shall have at any one time more than three articled clerks.

23. No solicitor shall permit any person not a solicitor, other than his articled clerk actually serving in his office, to sue out any writ or process, or to prosecute or defend any action in his name.

QUALIFICATION TO PRACTISE.

24. The Prothonotary at Halifax shall forthwith deliver to the Secretary of the Society, certified under his hand and the seal of the Supreme Court, a list of all practising barristers and solicitors whose names appear on the roll of barristers and solicitors, and shall annually, during the last week in the month of December in each year, deliver to the Secretary, certified under his hand and the seal of the said Court, a copy of so much of the roll as contains the names of barristers and solicitors admitted to practice subsequently to the last previous return made to the said Secretary.

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

26. The Secretary shall, in another book to be kept in his office for that purpose, enter all the names contained in the copies so transmitted to him alphabetically arranged, with a reference to the number of each name on the roll, and shall annually on or before the first day of August, put up in the office of the Prothonotary at Halifax, and in the Society's Library at Halifax, another alphabetical list, certified by him under his hand, of all barristers and solicitors who have taken out their certificates for the current year, and shall from time to time add to the list aforesaid the name of each barrister and solicitor who takes out his certificate at a subsequent period of the year, noting thereon the time when the certificate was taken out.

27. (1) Every practising barrister and solicitor shall obtain from the Secretary annually before the first day of July, a certificate under the seal of the Society stating that he is a practising barrister or solicitor.

(2) Such certificate shall be issued by the Secretary under the seal of the Society according to the list of names appearing in the copy of the roll of barristers and solicitors certified to the said Secretary by the Prothonotary at Halifax under the provisions of this Act.

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

(4) The Council shall have power to relieve any barrister or solicitor from the whole or any portion of any fees, dues or money payable by such barrister or solicitor to the Society, up to the 31st day of December, 1898.

28. No certificate shall be issued to any barrister or solicitor until the annual fee for such certificate prescribed by the rules of the Society is paid to the Treasurer. Until such rules shall otherwise prescribe the annual fees payable by all barristers and solicitors shall be as follows :—

(a) By every barrister or solicitor practising in the City of Halifax the sum of ten dollars, (\$10.00).

(b) By every barrister or solicitor practising elsewhere than in the City of Halifax the sum of two dollars, (\$2.00)

29. No barrister or solicitor is required to take out any such certificate until the first day of July next following his admission.

30. If a barrister or solicitor, after ten days' notice from the Secretary, omits to take out such annual certificate on or before the first day of July, he shall not be entitled thereto until he pays to the said Society not only the certificate fee so appointed or prescribed as aforesaid, together with any other fees or dues which he owes to the Society, but also an additional sum by way of penalty as follows, namely :—

(a) If such annual certificate is not taken out on or before the first day of October, the further sum

of two dollars and fifty cents if such barrister or solicitor is practising in the City of Halifax, or the further sum of one dollar if such barrister or solicitor is practising elsewhere than in the City of Halifax.

- (b) If such annual certificate is not taken out on or before the thirty-first day of December the further, sum of five dollars if such barrister or solicitor is practising in the City of Halifax, or the further sum of two dollars if such barrister or solicitor is practising elsewhere than in the City of Halifax.
- (c) A barrister or solicitor is deemed to be practising in the place where his principal office or place of business is situate.

31. If a barrister or solicitor or any member of a firm of barristers and solicitors either in his own name or in the name of any member of his firm knowingly, practises in any Court in this Province or otherwise before such annual certificate for the year in which he so practices has been taken out by him and by each member of his firm, he shall forfeit the sum of twenty dollars, which forfeiture shall be paid to the said Society for the uses thereof and may be recovered in the name and at the suit of the said Society as a private debt.

32. If a barrister or solicitor practises as such without having first taken out such certificate in each and every year of his practise, he shall for every such offence be liable to be suspended by order of the Supreme Court from practise until the fee upon his certificate for the year in which he so practised without certificate is, together with a penalty of twenty dollars, paid to the said Society.

33. Every Prothonotary and every clerk of the County Court shall on the 30th day of June in each year make out a list of the names of every barrister and solicitor who by the papers, entries or proceedings filed or had in the office of such Prothonotary or clerk appears to have practised as a barrister or solicitor at any time during the proceeding year ending with the said 30th day of June, and each of the said officers shall forthwith deliver such

lists to the secretary of the said Society certified under their respective hands.

34. (1) During the periods hereinafter mentioned the following persons shall be incapable of practising as barristers or solicitors ;

- (a) Any barrister or solicitor who is a prisoner in any jail or prison, during the period of his confinement therein or within the limits thereof.
- (b) Any barrister or solicitor who has been suspended from practising, during the period of his suspension.

(2) Any barrister or solicitor who practises during the period in which he is so incapable of practising may be struck of the roll by the Court or a Judge upon summary application at the instance of any person or at the instance of the Society.

(3) Every such barrister or solicitor shall be incapable of maintaining any action for the recovery of any fee, reward, or disbursements for or in respect of any matter or thing done by him as a barrister or solicitor during the period of his incapacity.

35. In case a barrister or solicitor willfully and knowingly acts as the professional agent of any person not duly qualified to act as a barrister or solicitor, or suffers his name to be used in any such agency on account of or for the profit of an unqualified person, or sends any process to such person, or does any other act to enable such person to practise in any respect as a barrister or solicitor, knowing him not to be duly qualified, and in case complaint is made thereof in a summary way to the Supreme Court and proof is made upon oath to the satisfaction of the Court, the barrister or solicitor so offending may in the discretion of the Court be struck off the roll and disabled from practising as a barrister or solicitor ; and the court may also commit such unqualified person so having practised as aforesaid to any common gaol or prison for any term not exceeding one year.

LAW STAMPS.

36. Upon every writ of summons issued out of the Supreme Court and upon every writ of summons issued out of the County Court (except in actions in the County Court in which the sum of \$80.00 or less is claimed) the plaintiff shall pay to the Society towards the support of the Law Library at Halifax the following fees, to be paid by stamps as hereinafter provided, that is to say :

(a) Upon every such writ of summons issued out of the Supreme Court at Halifax, the sum of fifty cents.

37. The Society shall provide adhesive stamps for the payment of such fees, and shall keep them on sale at the Law Library.

38. No such writ of summons shall be issued by the Prothonotary or clerk of the County Court at Halifax unless it has stamps of the required amount clean and undefaced attached to it, and any writ of summons so issued without such stamp or stamps of the required amount, or without the stamp or stamps thereon being obliterated as hereinafter provided, shall be irregular and void and may be set aside with costs to be paid by the solicitor whose name appears on such writ of summons as the solicitor of the plaintiff in such action upon the application of the defendant or upon the application of the council.

39. The Prothonotary and clerk of the County Court at Halifax shall obliterate each such stamp at the time the writ is issued by writing thereon his initials and the date of the issue of the writ to which it is affixed.

40. The Prothonotary at Halifax shall not receive or file the printed cases upon any appeal or motion to be heard before the court in banco, unless one of such printed cases upon such appeal or motion has one of such stamps clean and undefaced affixed to it. The Prothonotary at Halifax shall obliterate such stamp at the time of the filing of such printed cases by writing thereon his initials and the date of the filing of such printed cases.

THE NOVA SCOTIA BARRISTERS' SOCIETY.

41. The Nova Scotia Barristers' Society (incorporated by Chapter 85 of the Acts of the Legislature of the Province of Nova Scotia for the year 1858) shall continue as at present constituted to be a body corporate, subject to the provisions of this Act and to the by-laws, resolutions, rules and regulations of the Society in force at the time this Act takes effect, except so far as the same are inconsistent with this Act, and until altered by the Council pursuant to this Act.

42. All barristers and solicitors of the Supreme Court of Nova Scotia, and all persons who shall hereafter be admitted as such barristers or solicitors, shall, so long as they reside and practise in the said province of Nova Scotia, be members of the Society.

43. The officers of the Society shall consist of a president, vice-president, treasurer and secretary, who shall be elected by ballot at each annual meeting of the Society, but the ballot may be dispensed with and open voting substituted by the unanimous vote of the meeting; and if more than two candidates for any of the offices above-named are proposed and no one receives a majority of the votes cast, the ballot shall be repeated until a majority vote is arrived at. The offices of secretary and treasurer may be held by one person.

44. There shall be a Council to be known as the Council of the Nova Scotia Barristers' Society, and in addition to the *ex officio* members referred to in the next succeeding section of this Act, it shall be composed of the President, Vice-President, Treasurer, and not less than seven other barristers to be elected by ballot at each annual meeting of the Society.

45. The Attorney General of Canada for the time being, if a member of the Bar of Nova Scotia and the Attorney General for the time being of Nova Scotia, shall respectively *ex officio* be members of the Council.

46. No person shall be entitled to vote at any meeting of the Society unless all his fees due to the said Society have been paid.

47. (1) The Secretary shall, ten days previous to the annual meeting, make out and post up in the Law Library an alphabetical list or register of the members of the Bar who are entitled to vote at the said meeting.

(2) In case any member of the Society complains to the Secretary in writing of the improper omission or insertion of any name in the list, it shall be the duty of the Secretary forthwith to examine into the complaint and rectify the error, if there is any, and in case any person is dissatisfied with the decision of the Secretary he may appeal to the Council, and the decision of the Council shall be final, and such list shall remain or be altered in accordance with their decision.

(3) The Secretary shall add to the list the names of all persons who have been called to the Bar between the time when he shall make out the said list and the time of holding the annual meeting, but no alteration shall be made in the list except as is provided in this section, and the list as it stands revised on the day of the holding of the annual meeting shall be the register of persons entitled to vote at the said meeting.

(4) No person whose name is not so inserted by the Secretary in the said list shall be entitled to speak or vote at the annual meeting.

48. No person shall be eligible for election as a member of the Council, or to any other office, who is not qualified to vote at the annual meeting.

49. At all elections retiring members of the Council and other officers shall be eligible for re-election.

50. Any votes cast for any person who is ineligible to be a member of the Council, shall be null and void, and the election of members of the Council and other officers shall be declared as if such votes had not been cast.

51. In case of any vacancy caused by death or otherwise in the membership of the Council, or in any office of the Society, it shall be the duty of the Council or the remaining members thereof, with all convenient speed, at a meeting to be specially called for the purpose, to supply such vacancy by appointing any person duly qualified under the provisions of this Act to be

elected a member of the Council or to fill such office as the case may be and the person so appointed to such vacancy shall hold office for the residue of the term for which his predecessor was elected.

52. The persons elected at the annual meeting of the Society as members of the Council or to any other office, shall hold office for the ensuing year or until the election of their successors.

53. At any meeting of the Society fifteen members shall constitute a quorum thereof, and at any meeting of the Council five members shall constitute a quorum thereof.

54. The Council shall have the general management of the affairs of the Society, and may, from time to time make rules for the government of the Society and its affairs and all other purposes connected therewith.

55. The Council may appoint such officers and servants as may be necessary for the management of the business and affairs of the Society, and may prescribe their duties and fix their remuneration.

56. The Council may from time to time make rules, regulations or by-laws respecting the following matters :—

(1) The admission of articled clerks to the study of the law and the periods and conditions of study.

(2) The call or admission of barristers and solicitors to practise.

(3) All matters relating to the discipline and honor of the Bar, and the discipline and practise of barristers and solicitors and articled clerks.

(4) The preliminary, intermediate, final and other examinations of students at law or articled clerks, and the subjects of examination and the text books to be used.

(5) The appointment of examiners to conduct such examinations, the standard to be attained thereat and all matters relating to the conduct of such examinations.

(6) The acceptance in lieu of any examination prescribed by the Council, of the examination, degree, diploma or certificate of any university, college, institution or other body or authority subject to such conditions as the Council may prescribe.

(7) The times and places for holding the preliminary, intermediate, final and other examinations.

(8) The publication of all rules, regulations or by-laws of the Society or of the Council.

57. Whenever a person, being a barrister or a solicitor of the Supreme Court of Nova Scotia or a student at law or a clerk serving under articles, is found by the Council after due enquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a barrister, solicitor or articulated clerk, the Council may resolve that any such barrister or solicitor is unworthy to practise or that he should be suspended practising; and may refuse either absolutely or for a limited from period to admit such articulated clerk to the usual examinations, or to grant him any certificate necessary to enable him to be admitted to practise or to move for his admission.

58. Upon its being resolved by the Council that any barrister or solicitor is unworthy to practise, a copy of the resolution shall forthwith be communicated to the Supreme Court, and thereupon, without any formal motion, an order of the said Court may be drawn up striking off the rolls such barrister or solicitor, provided that such barrister or solicitor may at any time afterwards apply to the said Court to be restored to practice.

59. In case the council resolves that a barrister or solicitor should be suspended from practising for a period to be named in the resolution, a copy of the resolution shall be forthwith communicated to the Supreme Court, and thereupon, without any formal motion an order of the said Court may be drawn up suspending such barrister or solicitor from practising for the said period.

60. The power by this Act conferred upon the Council to make rules, regulations and by-laws shall include the power to make rules, regulations and by-laws respecting the matters hereinafter in this section enumerated, but such enumeration shall not be deemed in any way to restrict or narrow the power conferred upon the Council by this Act or by any other Act to make any other rules regulations, or by-laws.

(a) Fees payable to the Society on preliminary, intermediate and final examinations, and upon admission to the bar, and in respect of such other

matters, and upon such other occasions as the Council shall determine, and the amount and time and manner of payment of all such fees.

- (b) The powers and duties of the officers of the said Society.
- (c) The use and management of the Law Library.
- (d) The meetings of the Council.
- (e) The meetings of the Society.
- (f) The management and expenditure of all moneys belonging to the Society; and
- (g) The management of any room or apartments set apart in the Court House for the use of the Society or Council, or for the use of the barristers or solicitors.

61. In case a resolution authorizing the same is passed by the Society at any annual meeting, or at any special meeting of the Society duly called for considering the same, the Council may borrow money upon the credit of the Society, and issue the bonds, debentures or other securities of the Society for any sums borrowed, at such prices and bearing such rate of interest as may be deemed expedient, but no such bonds, debentures or other securities shall be for a less sum than \$100.00 dollars each, and the Council may, under the like resolution, mortgage, hypothecate or pledge the property of the Society to secure any sums so borrowed.

62. (1) The Council may from time to time appoint such persons, being members of the Society, as they think proper to be editors and reporters of the decisions of the Supreme Court, or of any other of the courts of the province.

(2) Such persons shall hold office at the pleasure of the Council, and shall be amenable to them for the correct and faithful discharge of their respective duties, according to such regulations as the Council may from time to time make in respect thereof.

63. The Council may make regulations for printing and publishing the reports of the said decisions, and the distribution and sale of the reports, and the price or mode of issuing the same, and all such other regulations in respect thereof as they

may at any time consider necessary, and may also make regulations respecting the duties of such editors and reporters, and respecting the discharge of such duties.

All regulations made by the Council shall be subject to the approval of the Governor-in-Council, and shall have no force or effect until so approved and published in the Royal Gazette.

The Governor-in-Council may entrust to the Council, or to a committee thereof, of which committee the Attorney-General shall be an ex-officio member, the expenditure of any grant in aid of the printing and publication of the reports, upon such conditions and under such restrictions as the Governor-in-Council may make.

64. The fees payable by barristers and solicitors for their annual certificates, and on call to the bar, or admission, and by students and articled clerks on all examinations, and all other fees payable to or for the said Society under this Act, or under the provisions of any other law of the Province of Nova Scotia, shall be paid into the general fund of the said Society, and shall be such as the Council of the Society by rule from time to time prescribes.

65. The Council at each annual meeting of the Society shall lay before such meeting a statement in detail of the revenue and expenditure of the Society for the year ending the 31st day of December next preceding such statement, the same to be first duly audited by auditors appointed by the Society at the previous annual meeting for that purpose.

66. The law library of the Society shall be exempt from all civic and municipal rates, taxes and assessments of every kind.

TAXATION OF COSTS.

67. In any action or proceeding to which a barrister or solicitor, or any person claiming under a barrister or solicitor, is a party, and in which any question arises respecting the amount of the fees, costs, charges or disbursements of such barrister or solicitor, for or in connection with any professional services rendered or performed by him, the Court in which such action or proceeding is pending, or any judge thereof at any time before or at the trial or hearing, on the application of such barrister or solicitor, or of the person claiming under him, or of any person or persons against whom any claim is made for or in connection

with such fees, costs, charges and disbursements or any part thereof, may order such fees, costs, charges or disbursements to be taxed before such Court or Judge, or before the Taxing Master, or before any Judge of the County Court, and the same shall be taxed accordingly.

68. The certificate of the taxing authority upon any such taxation as to the amount of any such bill, shall be binding upon the parties to such action or proceeding, but such taxation may be reviewed and such certificate may be set aside by the Court or Judge before whom such action or proceeding is heard, or a re-taxation may be directed.

69. No action shall be brought for the recovery of fees, costs, charges or disbursements for business done by a barrister or solicitor as such, until one month after the bill therefor, signed by such barrister or solicitor, his executor, administrator or assignee, or in the case of a partnership, by one of the partners, either in his own name or with the name of such partnership, has been delivered to the party to be charged therewith, or sent by the post to or left for him at his counting-house, office of business, dwelling house, or last known place of abode, or has been enclosed in or accompanied by a letter signed in like manner referring to such bill.

70. (1) Any bill for such fees, costs, charges or disbursements may be taxed by the Taxing Master at Halifax, or by the Judge of the County Court for any county in which any of the business charged for in the bill was done, and pending such taxation all proceedings to recover any part of said bill shall be stayed.

(2) Such taxation may be had at the instance of any person claiming the whole or any portion of the amount of such bill, or at the instance of any person from whom such amount or any portion thereof is claimed.

71. The provisions of the next two preceding sections shall not apply to any action brought by a barrister or solicitor against any person who is absent or absconding from the Province of Nova Scotia, or who was about to leave the Province of Nova Scotia at the time of commencement of such action.

72. (1) Every taxing authority named in this Act is empowered to tax and determine on any taxation under this Act the several items and amounts claimed for such fees, costs, charges

or disbursements, notwithstanding no scale or tariff of fees may be now in force therefor.

(2) Any such taxing authority may upon any such taxation apply the tariff of fees provided by Order LXIII (as amended) of the rules of the Supreme Court, 1884, so far as such tariff extends and is fairly applicable; but all work and services necessarily and reasonably performed or rendered, and all disbursements necessarily incurred shall be allowed and taxed at reasonable amounts although not recoverable as between party and party.

(3) Two clear day's notice of the taxation of such fees, costs, charges or disbursements shall be given by any party applying to tax to the opposite party.

(4) Subject to the right of appeal, the certificate of the taxing authority as to the amount of such bill after taxation shall be conclusive evidence of the amount payable in respect of the services and disbursements therein charged for.

73. In case either party having due notice refuses or neglects to attend the taxation, the taxing authority may tax the bill *ex parte*.

74. The costs of taxation shall be determined and fixed by the taxing authority for both parties, and the costs of any party may be in whole or in part allowed to him as the taxing authority may deem just, and added to or deducted from the bill as taxed.

75. The taxation of all bills hereinbefore referred to shall be subject to an appeal upon the same terms and in the same manner and subject to the same conditions as in the case of costs taxed by the taxing master between party and party. But every such appeal under this Act shall be to the Supreme Court or to a judge thereof.

REMEDIES AGAINST SOLICITORS.

76. (1) Upon summary application by notice of motion at the instance of any person for whom or on whose account any solicitor has received any sum of money, security for money, valuable security or document, which such solicitor has failed or neglected to pay or deliver to such person, the Supreme Court or a judge thereof may order and direct such solicitor within a time limited in such order to pay such sum of money and to deliver

such security for money, valuable security or other document which fact shall be substantiated by affidavit, either into court or to the person so applying; provided that no such application shall be made unless the party making the same produces with his affidavit a certificate from the Secretary of the Society to the effect that said claim has been before the Council and been considered by them. The Council shall have power to examine into such claim, and to hear such solicitor previous to granting said certificate.

(2) Notice of any such motion shall be served upon the solicitor at least five clear days before the time therein fixed for hearing such motion, and substituted service of such motion may be ordered.

(3) Such order may be made for payment or delivery into court of any such sum of money, security for money, valuable security or other document, although such solicitor claims a lien thereon for money payable to him for his professional services or disbursements.

(4) In case a solicitor claims such lien, the court or judge may also order that the solicitor's bill for the service in respect of which such lien is claimed shall be referred for taxation to the Taxing Master, and such bill shall thereupon be taxed by the Taxing Master, and the provisions in this Act contained respecting the taxation of costs between solicitor and client, shall apply to such taxation. The Taxing Master shall certify to the court or a judge the result of such taxation.

(5) Upon receiving such certificate the court or a judge may make such further order as may be deemed necessary respecting the payment or delivery of any such sum of money, security for money, valuable security or document so received by such solicitor, or respecting the payment or deduction of any amount found due to such solicitor upon such taxation, or respecting any matter connected therewith.

(6) In case any such solicitor shall fail to comply with any such order he may be punished as for contempt of court, and he may also be forthwith struck off the roll or suspended from practise for such period as the court or a judge may determine.

(7) Nothing in this section contained shall abridge the powers now possessed by any court or judge respecting any of the matters therein referred to.

77. (1) Upon summary application by notice of motion the Supreme Court may strike the name of any barrister or solicitor off the rolls for any offence in respect of which such punishment could hitherto have been inflicted.

(2) Such summary application may be made in the name of the Society under the authority of the Council or in the name of any person, and whether the matter in respect of which the offence is alleged to have been commenced is a cause, action or proceeding in court or not.

78. (1) In case any person commences, prosecutes, carries on or defends in his own name or in that of any other person, any action or proceeding in any court in this province without being admitted and enrolled and entitled to practise as a solicitor, he is guilty of a contempt of the court in which such action or proceeding has been commenced, prosecuted, defended or carried on, and he is punishable accordingly upon summary application as provided in the last preceding section.

(2) Nothing in this Act shall prevent any person from commencing, prosecuting, defending or carrying on as a party, any action or proceeding to which such person is a party as plaintiff or defendant or otherwise.

79. (1) In the event of any complaint being made against a barrister or solicitor with respect to his professional conduct, or for the violation of any provision of this Act, or of any rule or regulation or by-law made under this Act or under any of the Acts hereby repealed, or in respect of conduct which either at common law or by statute, or by any rules, regulations or by-laws made under the authority of this act or any of the Acts hereby repealed, would render such person liable to be struck off the rolls or suspended as such barrister or solicitor, such complaint may be made in writing, and filed with the Secretary, and the Council shall investigate such complaint after at least ten days' notice to the party complained of. The evidence shall be taken under oath, and shall be reduced to writing. The Council may pass such resolution or make such order respecting matters aforesaid as shall seem just, and may resolve that the person complained of is unworthy to practise and should be struck off the roll, or should be suspended from practising for such period as the Council may think proper, or may censure the person complained of, or may suspend or expel him from the Society,

(2) Upon any such inquiry, the Council may examine

witnesses under oath. The attendance of such witnesses and the production of any books, papers or other documents, may be enforced by an order of the Council, issued under the hand of the President and the seal of the Society. Any person failing to attend in obedience to such order or refusing to be sworn, or to answer any question allowed upon such inquiry, or to produce any books, papers or other documents, or otherwise to comply with such order, shall incur a penalty of four hundred dollars, to be recovered as a debt in the name of the Society. Upon the certificate of the President, that any person has failed to attend or be sworn, or to answer any question, or to produce any books, papers or other documents, or has otherwise failed to comply with such order, a judge of the Supreme Court may issue an order directing the person so failing or refusing to comply with such order in respect of the matters above mentioned, or either of them, to comply therewith in the manner in such order provided, and disobedience of any such order made by a judge, may be punished as for contempt of Court.

(3) Nothing herein contained shall prevent an application being made in the first instance to the Court to strike the name of a barrister or solicitor off the rolls under the present practice.

ACKNOWLEDGMENTS, &c.

80. Every solicitor may take acknowledgments of married women of the execution of deeds throughout this Province, and may administer oaths to subscribing witnesses to deeds relative to the execution of the same throughout this Province, and may certify all such acknowledgments of married women and of the attestation of such witnesses in the same manner and to the same extent as a justice of the peace is now authorized to do. No fee shall be charged or taken by any solicitor for services performed under this section.

REPEAL.

81. (1) This Act shall come into force upon the first day of July, A. D., 1899.

(2) Upon the said date the enactments mentioned in the Schedule to this chapter shall be repealed to the extent in the second column of that Schedule mentioned; but such repeal shall be subject to the conditions and qualifications hereinafter provided.

(3) All officers and persons acting under the said chapter and Acts hereby repealed shall continue to act as if appointed under this Act until others are appointed in their stead, and all proceedings taken under the said chapter or Acts, shall be taken up and continued under this Act when not inconsistent therewith; and all penalties and forfeitures may be recovered, and all proceedings had in relation to matters which shall have happened before the said repeal, in the same manner as if the said chapter and Acts hereby repealed were still in force.

(4) All by-laws, orders, regulations, rules and ordinances made under the said chapter and Acts hereby repealed, shall continue good and valid in so far as they are not inconsistent with this Act, until they are annulled or others made in their stead.

(5) No offence committed and no penalty or forfeiture incurred, and no proceeding pending under the said chapter and Acts hereby repealed, or under any regulation made thereunder, shall be affected by the said repeal.

SCHEDULE.

<i>Book and Chapter.</i>	<i>Extent of Repeal.</i>
1879, C. 86,	The whole.
R. S., C. 108,	"
1885, C. 20,	"
1886, C. 35,	"
1887, C. 24,	"
1888, C. 34,	"
1891, C. 22,	"
1892, C. 14,	"
1893, C. C. 26, 27,	"
1895, C. 30,	"
1898, C. 9.	"

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