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BILL.

An Act to extend the provisions of the Act
to amend the Law for the admission of
Attornies.

1st reading, Thursday, 8th July, 1858.

Second reading, Tuesday, 13th July, 1858.

(500 copies.)

Hon. Mr. PATTON

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BILL.

An Act to extend the provisions of the Act to amend the Law for the admission of Attornies.

5 **W**HEREAS it is expedient to extend the provisions of the Act passed in the Twentieth year of Her Majesty's Reign, intituled "An Act to amend the Law for the admission of Attornies;" Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

I. Whenever by reason of the expiration of the period of contract of service during any Term of Hilary, Easter, Trinity or Michaelmas, it shall be impossible for any applicant for examination and admission under the said Act to comply with the requisites of the said Act, in respect to the
10 leaving of the contract of service and any assignment thereof, together with the affidavit of due execution thereof, and of due service thereunder, with the Secretary of the Law Society of Upper Canada fourteen days next before the first day of any such Term, it shall be lawful for the Law Society of Upper Canada, upon satisfactory proof that the day of ex-
15 piration of such contract of service has not arrived, but will arrive previously to the last Thursday in the then present Term of Hilary, Easter, Trinity, or Michaelmas, in which such applicant seeks admission, and upon being satisfied in all other requisites of the said Act, to proceed to the examination of such applicant notwithstanding such service not having been
20 completed: but no certificate of due service, fitness and capacity shall be issued by the Law Society as required by the said Act, until the said contract of service and affidavits, and all other documents required by the said Act have been left with the Secretary of the Law Society of Upper Canada;
25 Provided that this Section shall apply only to such persons as have entered into contracts of service prior to the first day of July one thousand eight hundred and fifty-eight.

Where certain requisites of 20 Vic. ch. 63, can not be complied with Law Society upon proof furnished may afford relief and examine the applicant: but certificate cannot be granted until the Articles, Affidavits, &c., have been left with Secretary of Law Society.

Proviso to apply only to contracts of service entered into before 1st July, 1858.

II. It shall not be requisite for any applicant under the Fifth Section of the said Act to produce a certificate under the seal of any of the Societies or Inns of Court in England, Scotland, or Ireland, duly authorized in that behalf
30 when such applicant shall have been called to the Bar, or of any such Court or Courts, and duly attested under the hand of the proper Officer of such Society or Inn of Court, or of such Court or Courts, to the effect that the said applicant was at the date thereof on the Books of the said Society or Inn of Court, or on the Roll of Attornies or Solicitors of such
35 Court or Courts, and that no application to any of the Societies or Inns

In lieu of certain certificates required by Sec. 5, 20 Vic. ch. 63, applicants to make an Affidavit that no application has been made against him.

of Court, or to any of the Court or Courts in the said section mentioned had been made since his admission thereto against such person for misconduct in such his capacity of Attorney or Solicitor; neither shall it be necessary to produce a certificate under the hands of two or more persons of the good moral character of the applicant; but in lieu thereof shall be left with the Secretary of the Law Society of Upper Canada, contemporaneously with the several certificates of such applicant, having been called to the Bar, or of his admission and enrolment as an Attorney or Solicitor as in the said section mentioned, an affidavit of such applicant, to the satisfaction of the Law Society of Upper Canada, that no application, (in the case of a Barrister to any Society or Inn of Court, and in the case of an Attorney or Solicitor to any such Court or Courts, as the case may be,) has been made since his admission thereto against such person to disbar him or to strike him off the Rolls of any such Court, or otherwise to disqualify him from further practice for misconduct in such his capacity of Barrister, Attorney, or Solicitor: Provided that the Law Society of Upper Canada may, in any such case, where it shall appear to them expedient for purposes of further enquiry or investigation, suspend, for a period not exceeding twelve months, their final decision in respect to the granting or refusal of this certificate.

Provide that Law Society may suspend their decision 12 months, when enquiry deemed expedient.

Time for filing articles and affidavits extended to 1st January, 1859.

III. The provisions of the seventh and eighth sections of the said Act, in so far only as they require the filing of the contract of service and affidavit annexed within three months after the execution of the same, shall not apply to contracts of service entered into between the passing of the said Act and the first day of July, one thousand eight hundred and fifty-eight; and in case any person, having entered into such contract of service between the passing of the said recited Act and the first day of July, one thousand eight hundred and fifty-eight, shall have neglected to have made and filed the affidavits required by the said seventh and eighth sections of the said recited Act, within the period of three months from the true date thereof as therein specified, it shall be sufficient that such affidavits shall be so made and filed before the first day of January, one thousand eight hundred and fifty-nine.

Where articles or affidavit or any assignment cannot be produced Law Society, on proof made, may dispense with their production.

IV. No person who has heretofore, or who shall hereafter, become bound under a contract of service shall be admitted an Attorney or Solicitor before such contract and affidavit together with any assignment thereof, so marked respectively as by the said recited Act or this present Act required, shall have been produced to the Law Society of Upper Canada in pursuance of the provisions in the said recited Act, and also hereinbefore contained, unless the said contract of service, affidavit and any assignment or any of them cannot be produced, in which case the Law Society of Upper Canada may, on application in that behalf to be made to them at least fourteen days next before the first day of the Term in which any applicant seeks admission, and on being satisfied of such fact, in their discretion, dispense with the production thereof; and the certificate of the Law Society of Upper Canada of such dispensation shall be sufficient in lieu of the production of the required contract and affidavit and any

assignment thereof under the Proviso to the Sixth Section of the said Act amended.

V. From and after the passing of this Act, no person shall practice as an Attorney or Solicitor of any Court of Law or Equity in Upper Canada, who shall, either in his own person, or by his partner, deputy, or agent, or in the name of any other person, or otherwise, directly or indirectly hold, possess, practice, carry on, or conduct any of the offices of Clerk of the Crown and Pleas of the Courts of Queen's Bench and Common Pleas, Deputy Clerk of the Crown and Pleas of any County or Union of Counties, Master in Chancery, Registrar in Chancery, Registrar of the Court of Appeals, Clerk of the County Court, or Registrar of the Surrogate Court, or Registrar of any County or Union of Counties in Upper Canada; and every such person so practicing shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of Five Hundred Pounds, to be recovered in an action of debt in Her Majesty's Court of Queen's Bench for Upper Canada, to the use of Her Majesty, Her Heirs and Successors.

Parties holding certain offices disqualified from practicing as Attorneys or Solicitors.

VI. The Twelfth Section of the said Act is hereby repealed.

The 12th Sec. of 20 Vic. ch. 63 repealed.