



# R U L E S

OF THE

## LAW SOCIETY OF UPPER CANADA,

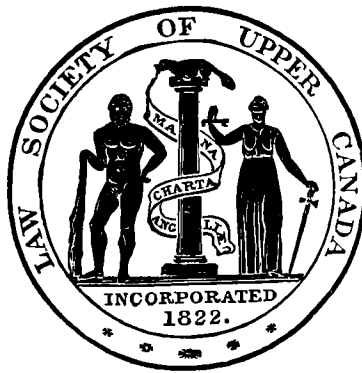
AS REVISED, CONSOLIDATED, AND FINALLY PASSED IN  
CONVOCATION,

IN TRINITY TERM, 23<sup>RD</sup> VICTORIA,

AND APPROVED OF BY THE JUDGES OF THE SUPERIOR COURTS  
OF LAW AND EQUITY, AS VISITORS OF THE SOCIETY,  
IN THE SAME TERM.

TOGETHER WITH THE

## RESOLUTIONS AND STANDING ORDERS OF CONVOCATION.



PRINTED BY ORDER OF CONVOCATION,

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1859.

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# THE Law Society of Upper Canada.

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## Visitors.

Honourable SIR JOHN BEVERLEY ROBINSON, Bart, C.B., D.C.L., Chief Justice of Upper Canada.

Honourable WILLIAM HUME BLAKE, B.A., Chancellor of Upper Canada.

Honourable WILLIAM HENRY DRAPER, C.B., Chief Justice of the Court of Common Pleas.

Honourable ARCHIBALD McLEAN, Judge of the Court of Queen's Bench.

Honourable JAMES C. P. ESTEN, Vice-Chancellor.

Honourable ROBERT EASTEN BURNS, Judge of the Court of Queen's Bench.

Honourable JOHN GODFREY SPRAGGE, Vice-Chancellor.

Honourable WILLIAM BUELL RICHARDS, Judge of the Court of Common Pleas.

Honourable JOHN HAWKINS HAGARTY, D.C.L., Judge of the Court of Common Pleas.

## Treasurer.

Sir JAMES BUCHANAN MACAULAY, Kt., C.B., Q.C.

## Benchers.

### Elected.

1818 Hon. Henry John Boulton, Q.C.

1820 Thomas Ward.

“ George Ridout.

1824 Hon. John Rolph.

1825 Sir James Buchanan Macaulay, Kt., C.B., Q.C.

1829 Hon. George S. Boulton.

“ Hon. James E. Small.

“ Marshall S. Bidwell.

“ William Elliott.

1835 David Jones.

“ George Rolph.

“ Robert Berrie.

“ George S. Jarvis.

“ Donald Bethune.

“ Sir Allan N. MacNab, Bt., Q.C.

“ Thomas Kirkpatrick, Q.C.

1840 Clark Gamble.

1843 Marcus Fayette Whitehead.

### Elected.

1843 George Malloch.

“ George Boswell.

“ Edward C. Campbell.

“ Miles O'Reilly, Q.C.

“ William Notman, Q.C.

1846 Hon. J. H. Cameron, D.C.L., Q.C.

1849 George Sherwood, Q.C.

“ Hon. Edmund Murney.

“ James Smith, Q.C.

“ John Wilson, Q.C.

“ Hon. John A. Macdonald, Q.C.

“ John W. Gwynne, Q.C.

“ Hon. John Ross, Q.C.

“ Hon. Samuel Bealey Harrison, Q.C.

1850 Hon. John S. Macdonald, Q.C.

“ Marcus Burritt.

“ David B. Ogden Ford.

## Elected.

- 1850 Charles Baby.  
 “ George Duggan, Junr.  
 “ Adam Johnston Fergusson.  
 “ Hon. Jos. C. Morrison, Q.C.  
 “ John Crawford.  
 “ Adam Wilson, Q.C.  
 “ George B. Lyon Fellows, Q.C.  
 “ Secker Brough, Q.C.  
 “ Nesbitt Kirchhoffer.  
 “ Samuel Black Freeman, Q.C.  
 “ Skeffington Connor, LL.D.,  
 Q.C.  
 “ Hon. Philip M. M. S. Van-  
 koughnet, D.C.L., Q.C.  
 1851 Rolland McDonald, Q.C.  
 “ John Bell.  
 1853 John Shuter Smith.  
 “ Henry C. R. Becher, Q.C.  
 “ Oliver Mowat, Q.C.

## Elected.

- 1853 Henry Eccles, Q.C.  
 1854 Henry Smith, Q.C.  
 1855 Lewis Wallbridge, Q.C.  
 “ Richard Miller.  
 “ George A. Philpotts.  
 “ George W. Burton.  
 “ Alexander Campbell, Q.C.  
 “ Stephen Richards, Junr., Q.C.  
 “ Thomas Galt, Q.C.  
 “ David B. Read, Q.C.  
 1856 John Ogilvie Hatt.  
 “ John Hector.  
 1857 Jacob Farrand Pringle.  
 “ George Boomer.  
 1858 Hon. John Prince, Q.C.  
 “ John Duggan, Q.C.  
 “ James Alexander Henderson.  
 “ Matthew Robt. Vankoughnet.  
 “ Hon. James Patton.

### Secretary, Librarian, and Examiner.

1842 HUGH N. GWYNNE, B.A., *Trinity College, Dublin.*

### Terms.

*Hilary* begins on first Monday in February, and ends on Saturday of the ensuing week.

*Easter* begins on third Monday in May, and ends on Saturday of the ensuing week.

*Trinity* begins on the Monday next after 21st August, and ends on Saturday of the ensuing week.

*Michaelmas* begins on third Monday in November, and ends on Saturday of the ensuing week.

*The Long Vacation*, in all the Courts, commences on 1st July, and ends 21st August.

**RULES PASSED**  
**BY**  
**THE LAW SOCIETY OF UPPER CANADA,**  
**WITH THE APPROBATION OF THE**  
**JUDGES OF THE SUPERIOR COURTS,**  
**AS VISITORS OF THE SAID SOCIETY.**

Finally passed in Convocation, August 31st, 1859, T.T., 23rd Vic.]

[Approved by the Visitors of the Society, September 1st, 1859.

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By the Benchers of the Law Society of Upper Canada in Convocation, with the approbation of the Judges of the Superior Courts, as Visitors of the said Society, it is Ordained as follows :

**SEAT OF THE SOCIETY.**

1. The permanent seat of the Law Society shall be at Osgoode Hall, in the City of Toronto.

**CONVOCATION OF BENCHERS.**

2. The Benchers for the time being shall constitute the Governors of the Law Society and of the Corporation of the Law Society.

3. The Benchers in Convocation may from time to time make all necessary Rules and Regulations for the government of, and for the management of the affairs of the said Society and Corporation ; subject to the ratification, when necessary, of the Judges of the Superior Courts, as Visitors of the Society.

4. Any five Benchers, including the Treasurer, shall be a quorum ; and (unless otherwise specially provided) no business shall be transacted in Convocation, unless a quorum of five members be present.

5. The Terms of the Society shall be the same as those of the Superior Courts of Common Law. Book, p. 63.

6. The Convocation of the Benchers of this Society shall be held at the seat of the Society, in Term time only.

7. The first Monday, the first Saturday, the second Tuesday, and the last Saturday of every Term shall be standing Convocation days, and the hour of meeting eleven o'clock in the forenoon, and the Convocation may adjourn from day to day, to any day previous to the next standing Convocation day.

8. In default of a quorum, on any standing Convocation day, or on any adjournment, the Treasurer, or in his absence the senior Bencher present, may adjourn the meeting of Convocation to any other day in the same Term, previous to the next standing Convocation day.

9. The proceedings of the Benchers in Convocation shall be conducted as much as may be, according to the ordinary Parliamentary mode.

10. In order that the Rules of the Society may on the face of them shew that they have been passed by competent authority, the draft of any rule or of any body of rules shall, when engrossed, and previous to the final passing, be prefaced by the following caption:—"By the Benchers of the Law Society of Upper Canada in Convocation, with the approbation of the Judges of the Superior Courts, as Visitors of the said Society, it is ordained as follows."

11. All Rules sanctioned by the Judges shall be designated "Rules of the Law Society," and shall be entered in a book called "The Rule Book."

12. No Draft Rule shall pass through more than one reading on the same day, but may pass through all its stages in the same Term, or be continued from Term to Term.

13. Regulations of the Society which do not require the sanction of the Visitors shall be termed "Standing Orders of Convocation," or "Special Orders," as the case may be.

14. Upon any question being put, no Bencher called upon to say whether he is content or not content, shall give any reasons.

15. In putting the question, the Treasurer or Chairman shall begin with the Junior Bencher present, and proceed upward to the Senior, giving his own vote last.

16. Any Bencher having been a dissentient upon any question put to the vote and carried in Convocation, may, previous to the adjournment on the day on which such vote has been taken, require the Treasurer to record in the journals of the Convocation his dissent to the resolution, but without his reasons for such dissent; and the Treasurer shall enter the same accordingly.

#### COMMITTEE OF THE WHOLE.

17. The Benchers in Convocation may from time to time during any Term resolve themselves into a Committee of the Whole, with leave to meet and sit from time to time in the then next ensuing vacation, with power to transact all such business as may be assigned to them by the Convocation, or as may become necessary in connexion therewith.

18. Such Committee shall make a full report of its proceedings to the Convocation within the first week of the Term next after its appointment.

19. Any Committee of Convocation, whether special or of the whole, may sit in vacation as well as in Term time, and may adjourn from time to time.

#### TREASURER.

20. There shall be a Treasurer of the Society, who must be a Bencher, and shall be elected annually on the first



Saturday in Michaelmas Term, by a majority of the votes of the Benchers then present in Convocation.

21. The Treasurer elect shall enter upon the duties of his office on the first day of Hilary Term next after his election, and shall continue in office until the first day of Hilary Term in the following year.

22. In case the Benchers in Convocation omit to elect a Treasurer at the time appointed, the Treasurer then in office shall continue in office for the next ensuing year, as if newly elected to the same.

23. The Treasurer for the time being shall preside in Convocation.

24. In case of the absence of the Treasurer, a Chairman, to preside in Convocation *pro tem.*, shall be appointed by the Benchers present.

25. Such Chairman shall preside in Convocation, and in all things officiate as Treasurer (*locum tenens*) during the absence of the Treasurer.

26. In case of the death of the Treasurer or of the Treasurer elect before entering upon the duties of the office, the Benchers present at the first meeting of Convocation next ensuing such death shall, before proceeding to any other business, elect a Bencher to fill the office of Treasurer until the first day of Hilary Term then next ensuing.

27. The Treasurer may summon a special meeting of Convocation for any day in Term time by giving notice thereof to all the Benchers known by him to be in Town, and by affixing such notice in the Court-room of each of the Superior Courts, at least one day previous to the day of meeting.  
Sch. No. 15.

#### BENCHERS.

28. No person shall be elected a Bencher except on the first Saturday in Michaelmas Term of each year.

29. No Barrister shall be proposed for election as a Bencher without his previous consent, nor unless leave to propose him be obtained on motion made in open Convocation, on the second Tuesday of the next preceding Trinity Term.

30. The election of Benchers shall be by a majority of the votes of the Benchers present in Convocation at the time of election.

#### CROWN OFFICERS.

31. Any Barrister appointed to the office of Attorney-General or of Solicitor-General for Upper Canada shall, if not already elected, be appointed a Bencher of this Society without previous notice or election; and shall continue to be such Bencher, although he may cease to hold the office of Attorney or Solicitor-General.

#### THE SIX SENIORS.

32. The six senior Barristers for the time being, shall, if not previously elected, be in like manner appointed Benchers of this Society.

33. On the first Convocation day next after the Treasurer has received authentic information of the death of any Bencher, by reason of whose death any other member becomes entitled by right of succession to be appointed a Bencher; or has received like information of the appointment of any person to the office of Attorney-General or of Solicitor-General for Upper Canada, who by reason thereof becomes entitled to be a Bencher, he shall report such death or appointment to the Convocation, in order that the party so entitled may be appointed a Bencher accordingly.

#### RETIRED JUDGES.

34. Every Bencher of this Society appointed to the Bench of any of the Superior Courts of Law or Equity, continues to be a member of the Law Society, and every Bencher of

the Law Society appointed to the Bench of any of the said Courts, and afterwards retiring from the Bench, shall continue to be a Bencher, although his functions as such Bencher were suspended during the period of his being such Judge, and *virtute officii* a Visitor of the Society.

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## EXAMINATION OF CANDIDATES.

35. There shall be an examination, according to the Rules and Regulations of this Society :

1. Of every Candidate for admission on the Books of the Society as a Student-at-Law.
2. Of every Student so admitted becoming a Candidate for Call to the Bar.
3. Of every Applicant for a certificate of fitness for admission as an Attorney or Solicitor.

36. The examination of Students for admission on the Books shall be conducted orally, by the "Examiner for Matriculation," before a Committee of Benchers, to be appointed for that purpose.

37. The examination of Students on the Books, when Candidates for Call to the Bar, shall be partly in writing, by printed or written questions, to be answered in writing, under the supervision of the "Examiners for Call;" and partly oral, by the Benchers in Convocation.

38. The examination of Applicants for Certificates of fitness shall in like manner be partly in writing, and partly *ore tenus*.

39. The examinations for admission on the Books as Students-at-Law shall be divided into three classes, to be called :

1. The University Class.
2. The Senior Class.
3. The Junior Class.

40. Candidates for examination in either the University Class or the Senior Class, shall be considered as candidates for admission in the Junior Class in the event of their not passing in the higher class.

41. Candidates for admission in the University Class shall,

1. Be Graduates of a University entitled to confer Degrees, and established in some part of Her Majesty's dominions ;
2. And shall be examined separately from other candidates in one or more of the following books :

In HOMER,—B. I. of ILIAD.

In LUCIAN,—(CHARON, LIFE or DREAM of LUCIAN and TIMON.)

In the ODES of HORACE.

In MATHEMATICS or METAPHYSICS,—At the option of the Candidate, according to the following courses respectively :

In MATHEMATICS,—EUCLID, (Bb. I., II., III., IV. and VI.) or LEGENDRE'S GEOMETRIE, (Bb. I., II., III. and IV..) HIND'S ALGEBRA to the end of SIMULTANEOUS EQUATIONS.

In METAPHYSICS,—(WALKER'S and WHATELY'S LOGIC, and LOCKE'S ESSAY ON THE HUMAN UNDERSTANDING.)

In HERSCHELL'S ASTRONOMY,—(Ch. I., III., IV. and V.)

In ANCIENT and MODERN GEOGRAPHY and HISTORY,—Such Works as the Candidates may have read.

42. Candidates for admission in the Senior Class shall be examined in the same Books and Subjects as for the University Class.

43. Candidates for admission in the Junior Class shall be examined in the following books :

In HORACE,—Bb. I. and III. of the ODES.

In MATHEMATICS,—EUCLID, (Bb. I., II. and III..) or LEGENDRE'S GEOMETRIE, by DAVIES, (Bb. I. and III. with Problems.)

In ENGLISH HISTORY and MODERN GEOGRAPHY,—Such Works as the Candidates may have read.

44. All or any of the books in all or any of the classes hereinbefore specified may be dispensed with, and any others may be substituted, by an order of Convocation in that behalf.

45. Any Candidate for admission in the University Class or in the Senior Class, who does not pass for such class, shall be passed in the Junior Class, unless rejected in toto.

46. No person shall be admitted on the Books of the Society as a Student-at-Law who is not of the full age of sixteen years.

47. Notice of the intention of any person to apply for admission on the Books of the Society as a Student-at-Law, signed by a Benchet, and containing the name, addition, and family residence of the Candidate, must be delivered to the Secretary of the Society, at his office in Osgoode Hall, on some day in the Term next preceding the Term in which he seeks admission; and when the Candidate desires to be examined for admission in the Senior Class, it must be so expressed in his notice. Schedule No. 1.

48. The Candidate must be presented to the Examining Committee by an instrument in writing, signed by a Barrister of the Upper Canada Bar, in a form approved of by the Society.

49. The Secretary shall, on or before the second Saturday of every vacation, make out two lists containing the names, additions and family residences of all the Candidates for admission on behalf of whom notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in the Convocation Chamber.

50. The examinations shall be conducted at the Convocation Chamber, Osgoode Hall, by the "Examiner for Matriculation," in presence of the Committee aforesaid, or of any two of them; and shall be commenced on Tuesday in the last week next but one of each Vacation, at ten o'clock, A. M.; and the same may be adjourned from day to day, until all the examinations have been completed.

51. Notice of the day on which the Applicants for admission are respectively required to attend for the purpose of

being examined, shall by the Secretary be transmitted to them by post as soon as may be after each Term.

52. In case no such notice be received, attendance is to be given on the Tuesday above appointed for entering upon the examinations.

COMMITTEE OF EXAMINATION FOR ADMISSION ON THE  
BOOKS.

53. A Standing Committee of Convocation, to consist of five Benchers, shall be appointed in each Term for the examination of Applicants for admission on the books of the Society as Students-at-Law.

54. The Committee shall continue in office until the appointment of their successors.

55. Three of the said Committee shall be a quorum for the transaction of any business; but two of them, together with the "Examiner for Matriculation," shall be sufficient for the examination of Students.

56. The said Committee, in concert with the "Examiner for Matriculation," are hereby entrusted with the power and duty of superintending the Examination of all Applicants for admission on the Books, and of arranging and settling the details thereof, in all respects not provided for by the Rules or Standing Orders of Convocation.

57. Upon the Examination of every Candidate for admission as a Student-at-Law, the following questions, and in the following order, shall be put in the Committee of Examination :

1. Whether the Examination, as "had," be received; which being carried in the affirmative, no further Examination of such Candidate shall take place during that vacation.

2. Whether the Examination, as "had" and "received," be "passed," which being carried in the affirmative, no objection shall be raised to the admission of such Candidate, on the ground of his education being deficient.
3. Whether the Examination "had," "received," and "passed," be classed in the University Class or in the Senior Class, if the Applicant be a Candidate for either of such classes.
4. The Examiner shall have a voice in determining each of the above questions, and such questions shall respectively be determined by a majority of those who conduct the Examination, including the Examiner, but if there be present at any Examination two or three only of the members of the Committee and the Examiner, no question shall be carried in the affirmative, without the concurrent vote of three members of the Committee, or of two members of the Committee and of the Examiner: in case four or more be present, a majority shall decide, and an equality of votes shall be equivalent to a negative.

#### CLASSIFICATION.

58. All Candidates passed and not classed in the University Class or Senior Class, shall be classed in the Junior Class.

59. Candidates passed in the University Class shall be classed according to their rank, if Graduates in the same University; or according to the dates of their Diplomas or Degrees, if Graduates of different Universities.

60. Candidates passed in either the Senior or Junior Class shall be classed according to their merits.

#### PETITION—PRESENTATION AND DEPOSIT OF FEES.

61. Every Candidate for admission shall, some convenient time previous to the examination day or the day on which he

is to be examined, report himself to and deposit with the Sub-Treasurer, at Osgoode Hall, his presentation and the amount of fees payable on admission, together with his petition for admission, which presentation and petition respectively shall be in the terms and shall contain the information required by the forms contained in the schedule numbers [2] and [3].

62. The Sub-Treasurer shall, on the first day of the Term next after any examination had as aforesaid, make a report in writing to the Convocation upon the petition of each Candidate passed, stating the day of the preceding Term on which notice of presentation was given for such Candidate, and whether there exists to his knowledge any objection to the admission of such Candidate, to which Report he shall append such Candidate's petition and presentation. Sch. No. 4.

#### REPORT OF THE COMMITTEE.

63. The Committee by a Report signed by the members who examine and by the Examiner for Matriculation shall, on the first day of the Term next after any examination had, report to the Convocation the result of such examination, specifying (when several have been examined) the names of those who have passed, and of those (if any) who have been rejected, stating in what branch they were found deficient, and specifying also the order in which those passed have been classed according to the decision of the Committee, except as hereafter mentioned; and such report shall, as respects each such examination, be final, and no objection to the admission of any Candidate so passed shall be raised in Convocation on the ground of his education being deficient. But any Candidate for admission who has been rejected by the Committee, may appeal to the Convocation by petition, to be presented on the first day of the said Term, in which case his examination before the Convocation shall take place on the first Saturday of the Term.



64. The second Tuesday of each Term shall be the admission day of the Students on the Books of the Society who have been examined and reported as passed by the Examining Committee, or who have been passed by the Convocation upon appeal.

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## STUDENTS-AT-LAW TO KEEP FOUR TERMS BY ATTENDING LECTURES.

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65. Every Student on the Books of the Society must, previous to his application for Call to the Bar, attend for four Terms, all the Lectures delivered by the Lecturers of the Society in each of such Terms, unless the Student is excused by Convocation during the same Term from attending one or more of the Lectures upon the ground of sickness or some unavoidable cause. But no excuse shall be allowed on any pretence whatever for non-attendance on more than three Lecture days of the Term. Sch. No. 6.

66. He shall, on the last day of each of such four Terms, exhibit or transmit to the Secretary of the Society a certificate from each Lecturer who has delivered Lectures, of the number of Lectures attended by such Student for that Term. Sch. No. 7.

67. No Student shall be allowed any Term as duly kept, unless he attends Lectures during such Term, as above provided; but it shall not be necessary for any Student to keep such Terms in four consecutive Terms, it being sufficient that Lectures be attended for any four terms before the petition for Call to the Bar.

68. The Secretary of the Society shall keep a record of the Students who, having duly attended Lectures, exhibit or transmit to him the Lecturer's certificate of such attendance.

## EXAMINATION FOR CALL TO THE BAR, AND FOR CERTIFICATES OF FITNESS.

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69. No Student-at-Law upon the Books of this Society shall be called to the Bar, and no Candidate shall receive a certificate of fitness, unless he be of the full age of 21 years, nor without having been previously examined in writing by the "Examiners for Call," and also *ore tenus* by the "Benchers in Convocation."

70. The Examinations for "Call to the Bar" shall be divided into two classes or orders, viz., those for "Call," simply, and those for "Call, with Honours."

71. The written part of the Examinations for Call shall be in the following books, with which the Student is expected to be thoroughly familiar; that is to say:

1. When a Candidate does not go in for a Call "with honours,"—in Blackstone's Commentaries, vol. 1, Addison on Contracts, Smith's Mercantile Law, Williams on Real Property, Story's Equity Jurisprudence, Stephen on Pleading, Taylor on Evidence, Byles on Bills; besides the Public Statutes relating to Upper Canada, and the Pleadings and Practice of its Courts of Law and Equity. And,
2. When the Candidate goes in for a Call "with honours," then also in—Russell on Crimes, Story on Partnership, Watkins' Principles of Conveyancing, Coote on Mortgages, Dart on Vendors and Purchasers, Jarman on Wills, Story's Conflict of Laws, Justinian's Institutes.
3. In the case of Candidates for "Certificates of Fitness," Blackstone's Commentaries, 1st vol., Smith's Mercantile Law, Williams on Real Property, Story's Equity Jurisprudence, the Statute Law, and the Pleadings and Practice of the Courts.

72. Candidates for Call "with honours" shall be considered as Candidates for Call "simply," in the event of their not passing "with honours."

73. The written examination of Candidates for Call "with honours" shall be on the Thursday and Friday of the week next preceding each Term.

74. The written examination of Candidates for Call "simply" shall be on the Thursday of the same week.

75. The written examination for Certificates of Fitness shall be on the Wednesday of the same week.

76. The oral examination of all Candidates for Call to the Bar and of all Candidates for Certificates of Fitness shall be on the first Monday in each Term.

77. Any Candidate for Call to the Bar desiring to be examined for honours, must give to the Secretary notice in writing of such desire, at latest on the Saturday next but one before the Term, and must also endorse his petition for Call with the words "For Honours."

78. Candidates for Call "with honours," in any Term, shall attend at Osgoode Hall on the Thursday and on the Friday next preceding such Term, at ten o'clock, A. M., for the purpose of being examined by the Examiners.

79. Candidates for Call, "simply," shall for the like purpose attend at Osgoode Hall, on the Thursday of the same week, and at the same hour.

80. Candidates for Certificates of Fitness for admission as Attorneys or Solicitors, shall for the like purpose attend at Osgoode Hall, on the Wednesday of the same week, and at the same hour.

81. The Examiners shall deliver to each respective Candidate a copy of the questions to be by him answered, and each such Candidate shall then and there, under the super-

vision of such Examiners, frame written answers to such questions, and deliver the same to the Examiners, for the Benchers in Convocation.

82. The answers shall be delivered to the Examiners by three o'clock, P. M., on the same day on which the questions are received for answer.

NOTICE OF INTENDED APPLICATION FOR CALL.

83. Every Candidate for Call to the Bar, must cause a written notice in the form approved of by the Society, of his intention to present himself for Call, signed by a Benchers, to be given to the Secretary at his office in Osgoode Hall, some day in the Term next preceding that on which he intends so to present himself. Sch. No. 8.

84. The Secretary shall, on or before the second Saturday of every Vacation, make out two lists containing the names, additions, and residences of all the Candidates for Call, on behalf of whom notices of presentation have been regularly given, and shall affix one of such lists in a conspicuous place in his office, and the other in the Convocation Chamber.

85. The Sub-Treasurer shall, on the first day of every Term, make a report in writing to the Convocation, stating that in the preceding Term notice of presentation had been properly given for such Candidate; stating—

1. The day of the admission of such Candidate into the Society.
2. The class of the Examination passed by such Candidate at the time of his admission, and
3. The Terms kept by such Candidate; to which report he shall append such Candidate's petition and presentation. Sch. No. 13.

PRESENTATION FOR CALL.

86. Every Candidate for Call to the Bar must be presented to the Convocation by an instrument in writing, signed by a

Barrister of the Upper Canada Bar, and execute a bond to the Society, in the forms approved of by the Society, and contained in the Schedule Nos. 9 and 11.

BONDS TO BE GIVEN BY BARRISTERS.

87. Every gentleman shall, previous to his Call to the Bar, give a bond to the Corporation in the penal sum of one hundred pounds, with two responsible sureties, to be approved of by the Treasurer, with a condition in the terms, and to the effect of the form contained in Schedule Nos. 11 and 12.

88. Every member of this Society shall, after his Call to the Bar, pay to the Society, through its Treasurer, a Term fee of two shillings and six-pence in each and every Term.

89. Such Term fee shall be due and payable in each Term, and if not previously paid, all arrears shall be punctually paid on the last day of the Vacation next before Michaelmas Term in each year.

DEPOSIT OF PETITION, PRESENTATION, BOND AND FEES.

90. Every Student upon the books of this Society, being a Candidate for Call to the degree of Barrister-at-Law, whose period of standing on the Books entitling him to present himself, has expired or will expire during the ensuing Term, shall, at least one day before the day appointed for examinations before the "Examiners for Call," in the Vacation preceding the Term in which such Candidate petitions to be called, report himself to, and deposit with, the Sub-Treasurer, at Osgoode Hall, his presentation and bond, and the amount of fees payable on being called; and the Sub-Treasurer's receipt for such fees shall be sufficient to entitle the Student to appear before the Examiners, and to be by them examined for Call.

91. He shall, at the same time and place, deposit with the Sub-Treasurer his Petition for Call, which petition shall contain a statement of his age, of the day on which the period

of his standing on the books, necessary to entitle him to be called to the Bar, expired or will expire, the Terms he has kept, and the names of the persons under whose superintendence he has received his professional education, according to the form contained in the Schedule No. 10.

ORAL EXAMINATION AND CALL IN CONVOCATION.

92. The oral examinations for Call shall take place in Convocation on the first Monday in Term.

93. No examination shall be had upon any other day unless upon adjournment of all or any examinations not had or completed.

94. In conducting the oral examinations of any Candidate on his petition for Call to the Bar no question shall be asked of the Candidate except through the Treasurer, or by such of the Benchers as he may name to conduct the examination.

95. After the oral examination for Call to the Degree of Barrister-at-Law, under any statute, or under the rules of this Society, there shall be put the following questions, and in the following order :

1. Whether the examination as "had" be received, which being carried in the affirmative, no further examination of such Candidate shall take place during that Term, whatever may be the determination of the Convocation upon such examination.
2. Whether the examination as "had" and "received" be "passed," which being carried in the affirmative, no objection shall be raised to the Call of such Candidate on the ground of his education being deficient.
3. In the case of a Candidate for Honours, whether he be passed with honours.
4. In every case, whether such Candidate shall be called to the Degree of Barrister-at-Law; but this ques-

tion shall not be put until the period of the Candidate's standing on the Books, necessary to entitle him to be called, has expired.

5. Upon every application for Call, in cases not requiring examination, the only question to be put shall be whether the Candidate be admitted a Member of the Society and Called to the Bar.

96. Every member of the Society on the Common Roll, being a Candidate for Call to the Bar shall, when passed, be admitted to the Degree of Barrister in the order of precedence on the common Roll, unless the Convocation at the time of his examination being passed otherwise order, and every Candidate for Call to the Bar by virtue of his having been called to any other Bar, shall, when called, take precedence next after the members of the Society of longer standing on the Books called upon the same day.

97. Every gentleman, upon his being called to the Bar, shall appear before the Convocation in a Barrister's gown, for the purpose of his being presented to the Superior Courts; and he may be so presented by any Benchers present in Court.

98. The form of the Diploma of Barrister-at-Law of this Society, shall be in the form in the Schedule No. 14.

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## QUORUM OF BENCHERS FOR EXAMINATIONS, CALLS, &c., IN CONVOCATION.

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99. In case a quorum of five Benchers do not attend in Convocation on the standing oral examination day, or any adjournment thereof, the Treasurer and the Benchers present, (being not less than two besides the Treasurer,) may, after the lapse of a quarter of an hour beyond the hour appointed

for the meeting, proceed in the name and on the behalf of the Society, to the examination of any Candidates for Call to the Bar, or for Certificates of Fitness (as the case may be), or to dispose of any application for admission on the books as students, by any persons whose petitions stand regularly on the order of such day to be proceeded with, and may hold and dispose of such examinations and applications as such Benchers deem proper; and every examination so held, and every application so disposed of, shall have the like validity and effect as if the same had been held and disposed of in full Convocation.

100. The Treasurer and Benchers sitting and proceeding under the authority of the last section may receive and dispose of every petition addressed to the Benchers in Convocation by any Candidate for Call, Admission on the Books, or Certificates of Fitness.

101. Every step taken by the Treasurer and Benchers under the authority of the two last sections, and every question taken thereupon must be taken and adopted by the concurrent vote of at least three Benchers present, otherwise the same shall be considered as negatived, and the subject matter shall stand finally disposed of as if negatived in full Convocation.

102. All proceedings under the three last sections shall be entered on the Journals, and be specially stated to be had under the authority of the same.

103. In case any Bencher enters or withdraws after the Treasurer and any two or three Benchers have taken upon themselves the authority vested in them by the foregoing sections, the proceedings shall not be discontinued thereby, but the same shall be proceeded with and completed as if the Benchers originally present had all remained from the beginning; but there shall be present at all times during such proceedings not less than three Benchers, including the Treasurer, and every such entrance and withdrawal shall be recorded on the Journals.



104. If, after the Treasurer or any two or three other Benchers have, on any of the days aforesaid, entered upon the business of the day as above provided, Benchers enter sufficient in number to form a quorum of five, the business shall be proceeded with in full Convocation, and if any Bencher afterwards withdraws and thereby reduces the number below a full quorum of five, the proceedings shall not be discontinued, but the Treasurer and such of the Benchers as remain, being not less than three in all, shall proceed with the business as if a full Convocation had not intervened, and so from time to time as often as any such changes happen in the course of the day's sitting, and every such intervention or change shall be entered on the Journals.

105. In case a sufficient number of Benchers to form a quorum of five do not attend on any standing Convocation day or any adjournment thereof, any three or four Benchers present (the Treasurer being one) may, after the lapse of a quarter of an hour beyond the appointed hour of meeting, proceed as hereinbefore provided to dispose of any business respecting petitions, examinations, or applications for Call to the Bar, or for Certificates of Fitness, or applications for Admission on the Books as Students at Law not hereinbefore provided for, that may be then in the order of the day, or be otherwise regularly brought, or be pending before the Convocation, and may thereupon make Calls to the Bar, or grant Certificates of Fitness, or Admission on the Books in like manner as if a full quorum were present; and all such proceedings shall be of the like validity and effect as if had in full Convocation. But this provision shall not authorise the transaction of any other business in Convocation requiring the presence of a full quorum.

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## CERTIFICATES OF FITNESS FOR ADMISSION AS ATTORNEYS OR SOLICITORS.

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### TO KEEP TERMS.

106. Every Candidate for Certificate of Fitness for Admission as Attorney or Solicitor, shall keep two Terms pursuant to the Statute in that behalf.

107. The two Terms to be kept by Articled Clerks under the Statute, shall be kept by their attending the sittings of the Courts of Queen's Bench and Common Pleas, or one of them, agreeably to the provisions of the said Act and of the Rules of the said Courts in that behalf, every day on which such courts, or either of them sit during Term, and by their entering their names, and subscribing their declaration of attendance in the Articled Clerks' Attendance Book of such Courts, or either of them, pursuant to the said Rules of Court respectively.

108. Every such Candidate shall leave with the Secretary of this Society a certificate or certificates of such attendance from the Clerks of such Court or Courts, together with his petition for certificate of fitness, articles, and other papers, or sufficiently excuse the production thereof as prescribed by the said Act, and the Rules of the Society respecting the same.

109. In case any such Articled Clerk while at Toronto for the purpose of attending the sittings of such Courts, or either of them, in compliance with the requirements of the said Act, be, from sickness or other unavoidable impediment, prevented from being or remaining in attendance in Court for the whole or any part of the Term, that such Court or Courts may be sitting on any day in either of such Terms, said Articled Clerk shall, nevertheless, be allowed such day or days attendance, as within the meaning of the said Act, upon his satisfying the Clerks of the Crown and Pleas of the said two Courts by certificate from his Medical Attendant or otherwise to their satisfaction that such sickness or other unavoidable impediment was the sole cause of such absence; and upon such Articled Clerk leaving with the Secretary of this Society a certificate thereof under the hands of such Clerks of the Crown and Pleas at the same time that he leaves his petition for certificate of fitness and other papers, as hereinafter prescribed.

110. All applications for Certificates of Fitness for Admission as Attorney or Solicitor under the said Act shall be by

petition in writing, addressed to the Benchers of the Society in Convocation, and every such petition, together with the documents required by, and the fees payable to this Society under the said Act, or under the Rules of the said Courts, or those of this Society, shall be left with the Secretary of the Society at Osgoode Hall on or before the third Saturday next before the Term in which such petition is to be presented, and the Sub-Treasurer's receipt for such fees shall be a sufficient authority to the "Examiners for Call" to examine the Applicant by written or printed questions.

111. In the case of persons who entered into contracts of service prior to the 1st of July, 1858, if, by reason of the expiration of the period of such service in Term time, any such person cannot comply with the requisites of the last section on or before the third Saturday therein mentioned, or before the day appointed for examination in writing before the Examiners in the vacation next after such Saturday, but the period will arrive previous to the last Thursday in the then next ensuing Term, such person may in lieu of his articles or contract of service deposit his affidavit, stating the date of his articles, the day when his service thereunder will expire, and when the same were filed, and upon complying in other respects with the terms of the foregoing section, may be examined by the Examiner on such examination day, and the Benchers in Convocation upon being satisfied on the first day of Term of the foregoing facts, and that all other requisites of the Statute and of the Rules of the Society entitling the party to oral examination have been complied with, may proceed to the examination of the applicant notwithstanding the non-completion of his service under articles; but no Certificate of Fitness shall be issued until the expiration of such period of service, nor until all and every the other requirements of the Statute, and of the Rules of the Courts and of the Society, have been complied with.

112. Every Candidate for a Certificate of Fitness for Admission as an Attorney or Solicitor under the said Act, shall,

with his petition for such certificate, leave with the Secretary of the Society at Osgoode Hall, answers to the several questions set forth in the Schedule to this rule annexed marked "B.," signed by the Attorney or Solicitor with whom such Articled Clerk has served his clerkship, together with the certificate in the said last-mentioned Schedule also contained.

113. In case any such Candidate at the time of leaving his petition for Certificate of Fitness and papers, with the Secretary of this Society as hereinbefore provided, proves to the satisfaction of the said Secretary that it has not been in his power to procure the answers to the questions contained in the said Schedule "B." from the Attorney or Solicitor with whom he may have served any part of the time under his articles, or from the agent of such Attorney, or the Certificate of Service therein also contained, the said Secretary shall state such circumstances specially in his report to Convocation on such Articled Clerk's petition, and thereupon the Benchers in Convocation may dispense with the production of such last-mentioned answers and Certificates, or any of them, as they may think fit and reasonable.

#### EXAMINATION FOR CERTIFICATES OF FITNESS.

114. Candidates for Certificates of Fitness shall be examined in writing, and orally in like manner as Candidates for Call "simply" according to the rules of the Society in that behalf, and in the following books and subjects, that is to say: Backstone's Commentaries, 1st Volume; Smith's Mercantile Law; Williams on Real Property; Story's Equity Jurisprudence; The Statute Law; The Pleadings and Practice of the Courts, or in such other books and subjects as the Benchers in Convocation, or as the Examiners, with the assent of the Benchers in Convocation, may from time to time for that purpose prescribe and appoint.

115. Candidates for Certificates of Fitness for Admission as Attorneys or Solicitors shall attend at Osgoode Hall on the

last Wednesday of the vacation previous to the Term in which their petitions are to be presented, and shall receive from the Examiner of the Society copies of the questions to be answered by them in writing, and shall then and there, under the supervision of such Examiner, frame answers to such questions and deliver such answers in writing to him for the Benchers in Convocation.

116. The attendance of such Candidates for the purposes mentioned in the foregoing section of this rule shall be at 10 o'clock, A. M., and the answers shall be delivered to the Examiner by 3 o'clock, P. M., of the same day.

117. The Secretary shall report upon the petition of every Candidate for Certificate of Fitness for Admission as Attorney or Solicitor, and such report, together with the petitions and documents to which they refer, shall be laid on the table of Convocation on the first day of term;—he shall also make a Supplementary Report upon the articles of clerkship when received by him, of applicants whose term of service expires during the Term.

118. The oral examination of Candidates for Certificates of Fitness shall take place on the first day of Term.

119. The Examination of Candidates for Certificates of Fitness for Admission as Attorneys or Solicitors shall not be entered upon the first day of any Term until the Examination of all Candidates for Call to the Bar on the order of the day for that day be first disposed of.

#### THE QUESTIONS TO BE PUT IN CONVOCATION.

120. Upon every examination for a Certificate of Fitness for Admission as an Attorney or Solicitor had as aforesaid, there shall be put the following questions, and in the following order: The first and second, shall be similar in terms and effect as in the case of Candidates for Call. Third.—Whether such Candidate shall receive a Certificate of Fitness for Admission as an Attorney or Solicitor.

## DISTRIBUTION OF FEES.

121. The ten shillings fee provided for by the said Act shall be received by the Secretary of the Law Society, to his own use, and the ten pounds fee to the use of the Society, and be paid *over* into the *Treasury* accordingly.

## SCHEDULE A.

122. Questions to be answered by the Clerk himself:

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

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

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

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

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

6th. Have you, during the period of your articles, attended the sittings of the Courts of Queen's Bench and Common Pleas at Toronto, or either of them, during the two Terms required by the Statute in that behalf ? And if, in the course of such attendance, any casual *absence* from sickness or other unavoidable impediment occurred, state the occasions and the cause thereof.

## SCHEDULE B.

123. Questions to be answered by the Attorney or Solicitor or his Agent with whom the Clerk may have served any part of the time under his articles, with the Certificate of such Attorney, Solicitor, or Agent :

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

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

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

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

5th. Has the said A. B., since the expiration of his articles, been engaged or concerned, and for how long a time in any, and what profession, trade, business, or employment other than the profession of an Attorney or Solicitor ?

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

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## COMMITTEE OF ECONOMY.

124. A Standing Committee of three Benchers, to be called the "Committee of Economy," shall be appointed annually on

the first Saturday in Michaelmas Term, and the members shall enter upon their duties on the first day of Hilary Term then next.

125. The whole executive management and control of those portions of Osgoode Hall and of the grounds attached thereto in the exclusive occupation of the Society shall be vested in the said Committee, subject to the orders and supervision of the Benchers in Convocation.

126. The Treasurer for the time being shall *ex officio* be one of the three members of the Committee of Economy and the standing Chairman thereof.

127. In case the Benchers in Convocation omit to appoint a Committee of Economy for any year at the time above prescribed, the Committee for the preceding year shall continue in office for the next ensuing year, as if newly appointed for the same.

128. Whenever any member of the Committee dies or resigns, the Treasurer shall report the same at the first meeting of the Convocation next after such event, whereupon the Convocation shall appoint a successor, and the Bencher so nominated shall become a member of the Committee of Economy to all intents and purposes.

129. To enable the said Committee to conduct the executive business of the Society they are hereby authorised to apply the funds of the Society to an amount not exceeding two hundred pounds yearly, in the conduct of the same,—accounting therefor through the treasurer's accounts.

130. The Treasurer and Sub-Treasurer are hereby required from time to time to make advances to the Committee as aforesaid, not exceeding two hundred pounds in any one year.

#### OFFICERS.

131. Besides the Treasurer, there shall be the following officers of this Society :



1. An officer who shall hold the joint office of Sub-Treasurer and Secretary.
2. A Reporter to each of the Superior Courts.
3. One or more Examiners for Call and Lecturers.
4. An Examiner for Matriculation.
5. A Librarian.
6. And lastly, a Steward.

132. The officers above mentioned shall hold office during the pleasure of the Convocation, and shall perform all such duties as may be assigned to them respectively by the rules of the Society, or by the Standing Orders, or by any special orders of Convocation.

## SALARIES.

### REPORTERS.

133. The salary of each Reporter shall be £150 per annum, payable quarterly.

### EXAMINERS AND LECTURERS.

134. The salary of each Examiner and Lecturer shall be £100 per annum, payable quarterly on the first Monday after every Term, unless otherwise ordered by the Convocation.

### SUB-TREASURER AND SECRETARY.

135. The salary of the Sub-Treasurer and Secretary, including also the office of Librarian when held by the same person, shall be £175 per annum, exclusive of fees, and shall be paid quarterly.

### STEWARD.

136. The salary of the Steward shall be £100 per annum and fuel, exclusive of any fees to which he may be entitled, and shall be paid quarterly.

## FEES.

## ADMISSION FEES.

137. Every Student upon his admission shall pay the sum of ten pounds, and the further sum of twenty pounds when Called to the Bar.

138. Every Barrister of any other part of her Majesty's dominions admitted into this Society, and called to the Degree of Barrister-at-Law under the statute in that behalf, shall pay a fee of thirty pounds, being ten pounds on his entry as a member of the Society, and twenty pounds on his Call, the same corresponding in amount with the fees payable by Students under the last section.

139. In case any Candidate for admission on the books as a Student, or for Call to the Bar, or for Certificates of Fitness for Admission as an Attorney or Solicitor, withdraws his application, or fails to pass the necessary examination, or be rejected on any other ground, the fee required to be deposited by him for the use of the Society according to the Statute or the Rules of the Society, shall be returned to him by the Treasurer.

## TERM FEES.

140. Every Barrister shall pay to the Society a fee of two shillings and six-pence in each Term, according to the condition of his bond in that behalf.

## SUB-TREASURER AND SECRETARY'S FEES.

141. The Sub-Treasurer and Secretary shall be intitled to demand and receive the following fees :

1. From Candidates for Admission on the Books as Students-at-Law.

1. For every notice of intention to apply for Admission on the Books as a Student-at-Law, payable therewith ..... £0 5 0

2. For every Admission on the Books as a Student-at-Law .....	£0	5	0
3. For every Certificate of Admission.....	0	5	0
2. From Candidates for the Degree of Barrister-at-Law :			
1. For every notice of intention to apply for Call, payable therewith .....	£0	5	0
2. For every Call to the Degree of Barrister-at-Law .....	£0	5	0
3. For every Diploma .....	1	0	0
3. From Candidates for admission into the Society and call to the Degree of Barrister-at-Law under the Statute :			
1. For every notice of intention to apply for Admission and Call, payable therewith.....	£0	5	0
2. For every such Admission and Call.....	0	10	0
3. For every Certificate of such Admission	0	5	0
4. For every Diploma of Barrister-at-Law upon such Call .....	£1	0	0
4. From Candidates for Certificates of Fitness for Admission as Attorneys or Solicitors,			
On leaving articles, &c., pursuant to the Statute .....	£0	10	0

142. The Sub-Treasurer and Secretary may also retain the sum of five per cent. upon all moneys by him, from time to time, collected under any Statute, for Annual Certificates to practise as Attorneys or Solicitors in any of the Superior Courts.

#### EXAMINER'S FEES.

143. The Examiner for Matriculation shall be entitled, upon each examination, to a fee of ..... £1 0 0

144. Except the fees on notices, all the foregoing fees demandable by the Sub-Treasurer and Secretary, and the Examiner's fees, shall be paid at the time the dues payable to the Society are required to be deposited.

## THE STEWARD.

145. The Steward shall be entitled to demand and receive :

1. Upon every admission on the books of the Society as a Student-at-Law, a fee of..... £0 2 6
2. Upon every Call to the Bar, a fee of... £0 5 0

## ACCOUNTS AND AUDIT.

146. The Sub-Treasurer shall lay before the Convocation, on the second Tuesday of each Term, a debit and credit statement of account of all moneys received up to and including the last quarter day next preceding such Term.

147. Such statement of account shall show all deposits made into the Bank of the Society to the credit of the Society, and of all checks drawn upon such Bank, and shall also show all disbursements made, and be accompanied with vouchers connected therewith.

148. It shall likewise exhibit all claims and demands upon the Society remaining unpaid, and the exact state of the funds and resources of the Society in all respects.

149. Such accounts shall, before the end of such Term, be audited by the Convocation, or by a Committee of Benchers, not less than three, to be appointed for that purpose.

150. In case the Benchers in Convocation, or a committee thereof, omit to audit the accounts of the Treasurer in any Term, the Committee of Economy shall proceed to audit and pass the same in the following Vacation ; and the Treasurer shall, within the first week of the Term next ensuing, lay on the table a report in writing of the same having been done.

## FISCAL MATTERS.

151. The Bank of Upper Canada has heretofore been, and shall continue to be the Bank of Deposit and Account for the "Law Society of Upper Canada," and the Treasurer

and Sub-Treasurer shall from time to time deposit therein all moneys (except sums retained for occasional contingencies) received for and on account of the Society, which being done, such deposit shall exonerate the Treasurer or Sub-Treasurer making such deposit.

152. The moneys of the said Society deposited in the said Bank, shall be drawn for and paid out upon the check of the Treasurer, countersigned by the Secretary of the Society, or in case of the death or absence of the Treasurer, then upon the check of the Sub-Treasurer, and such payment shall exonerate the Bank.

153. The Treasurer and Sub-Treasurer are hereby authorized to grant checks upon the Bank for the payment of salaries, contingencies and other accounts from time to time required to be paid by the Rules or Orders of the Society, or by any Committee acting under or in accordance with any such Rules or Orders.

154. Copies of the three preceding sections, under the Seal of the Society, shall be delivered to the Bank.

#### DUTIES OF THE SUB-TREASURER.

155. The Sub-Treasurer shall receive all fees, dues, and other moneys payable to the Society, keep an account thereof, deposit the same in the Bank of the Society, and observe all Rules and Orders respecting the fiscal affairs of the Society.

#### DUTIES OF THE SECRETARY.

156. In addition to the duties required of the Secretary by any Statute—

1. He shall keep the minutes of the proceedings in Convocation, make up the journals, conduct all necessary correspondence, prepare all necessary Diplomas, Certificates, and other documents appertaining to his department, and perform all other services incidental to the office.

2. He shall cause to be published in the official Gazette of the Province as soon as may be after each Term :

- a.* The names of all Benchers elected or appointed during the previous Term.
- b.* The name of the Treasurer (if any) elected during such Term.
- c.* The names of all gentlemen upon whom the Degree of Barrister-at-Law was conferred during such Term, in the order of their call.
- d.* The names of all members admitted into the Society as Students-at-Law during such Term, with the date, class and order of their admissions.
- e.* Such portions of the Rules or Standing Orders of the Society respecting the examination of Candidates for admission on the books as Students-at-Law, for Call to the Bar, and for Certificates of Fitness, specifying the subjects and books from time to time prescribed for such examinations respectively as shall be sufficient to give every necessary information to all parties interested in the premises.

#### DUTIES OF THE STEWARD.

157. The Steward shall have the general charge and care of the Society's grounds in the City of Toronto, and of all the buildings thereon, which may be in the exclusive occupation of the Society.

158. He shall assist the Librarian in the care of the Library, and shall attend in charge thereof at all times in the absence of the Librarian.

#### RESIDENCE IN THE HALL.

159. No persons, except Officers or Servants of the Society, shall be permitted to reside in those portions of Osgoode Hall in the exclusive occupation of the Society, unless they be members of the Society.

## LIBRARY.

160. There shall be a Librarian of this Society, who shall have the immediate and general charge of the Library, under the superintendence of the Library Committee.

161. A Committee of Benchers, consisting of three, of whom the Treasurer shall be one, shall be appointed yearly in Michaelmas Term, to be called "the Committee on the Library;" such Committee shall enter upon its duties on the first day of Hilary Term next following, and shall have the general superintendence of the Library, with power to order books, but subject to the Rules and Standing Orders of Convocation.

162. The Library Committee may expend the sum of £200 annually in the purchase of books, for the use of the Library, and the Treasurer and Sub-Treasurer are hereby authorised to pay the amount as from time to time required by the Committee.

## STANDING ORDERS FOR THE REGULATION OF THE LIBRARY.

163. The following shall be the Standing Orders for the regulation of the Library :

1. The Library shall be kept open for the use of the Members of the Law Society :

1. In Term time daily, except Sundays and Holydays, from eight o'clock, A. M., until ten o'clock, P. M.

2. In Vacation daily, except Sundays and Holydays, from 10 o'clock, A. M., until 5 o'clock, P. M.

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

3. No person shall bring his hat into the Library, nor place his greatcoat, cloak, &c., on any table or chair therein.

4. No book shall be carried out of the Library, except under the circumstances authorised by order of Convocation.

5. It shall be the duty of any person using a book to restore it to its place in the Library, immediately after using the same.

6. It shall be the duty of the Librarian to report to the Convocation in Term, any infringement of the Rules or Orders of the Society for the regulation of the Library.

7. It shall be the duty of the Librarian, under the direction of the Library Committee, to procure and place in the Library, from time to time, the reports of the Superior Courts of Law and Equity in England, and of the Courts of Equity in Ireland, in numbers as published, together with the Jurist, in like manner.

8. The Judges of the Superior Courts respectively and the Master in Chancery, shall be at liberty to take books from the Library, upon a written application to the Librarian, and any member of the Law Society requiring the use of any book upon the argument of a case in Osgoode Hall shall be at liberty to have such book upon the argument coming on in which the same may be required, upon a written application to the Librarian, such book to be returned to its place in the Library immediately after the close of the argument for which it may have been required. Books taken from the Library in pursuance of this rule to be in all cases returned the same day, and any person taking any book from the Library otherwise than upon such written application, or failing to return the same in the manner hereby directed, to forfeit the benefit allowed by this rule, until restored thereto by order of Convocation, or of the Treasurer.

9. Instead of a written application to the Librarian mentioned in the last sub-section, it shall be sufficient to enter the name and volume of the book required in a Register-book, which shall be kept in the Library for that purpose.

10. Every such entry shall be made under the inspection of the Librarian or person in charge of the Library for the time being.

11. The Library shall be heated and lighted at the expense of the Society, according to any arrangements which may be from time to time made by the Committee of Economy.



12. The Steward, under the supervision of the Librarian, shall attend when the Library is open, and he shall see that proper light and heat be provided.

## REPORTERS.

164. There shall be, from time to time, distinct Reporters, being Barristers-at-Law upon the Roll of this Society, appointed by this Society, with the approbation of the Visitors thereof, for the several Courts of Queen's Bench, Chancery, and Common Pleas.

165. The respective Reporters, for the time being, of the Courts of Queen's Bench and Common Pleas, shall personally attend the sittings of the Court of which they are Reporters, every day in each Term, and in the Sittings after each Term, during the whole period of such Sittings.

166. One or other of the said Reporters of the Courts of Queen's Bench and Common Pleas, shall in like manner personally attend the Sittings of the Practice Court, every day in each Term, and in the Sittings after each Term during the whole period of such Sitting; and the Reporters of the said Courts of Queen's Bench and Common Pleas shall, from time to time, arrange between themselves for the punctual attendance of one or other of them, as Reporter at the said Sittings of the said Practice Court.

167. It shall be the duty of the Reporter of the said respective Courts of Queen's Bench and Common Pleas, to note all Judgments of general importance pronounced by the said respective Courts of Queen's Bench and Common Pleas, and all such other Judgments or Decisions of the said respective Courts, as such Reporter may be required to note by any of the Judges of the said respective Courts of Queen's Bench and Common Pleas, and in like manner to provide for the due noting, by one or other of the Reporters of the said respective Courts of Queen's Bench and Common Pleas, of the Judgments and Decisions of the said Practice Court.

168. It shall be the duty of the Reporters of the said respective Courts of Queen's Bench and Common Pleas, to publish in monthly numbers printed Reports of the Judgments of the said respective Courts of Queen's Bench and Common Pleas, according to the order and priority of delivery of the said respective Judgments; but no Judgment of either of the said Courts of Queen's Bench or Common Pleas shall remain unpublished for a longer period than three months after the delivery thereof; and three copies of each such monthly numbers shall, as soon as published, be deposited by the Reporter publishing the same, with the Secretary of the Society, for the use of the Society.

169. The Reports of the Judgments of the said Practice Court shall be published in separate printed Reports in like monthly numbers, and three copies of the said last-mentioned Reports as soon as published shall in like manner be deposited by the Reporters or Reporter publishing the same with the Secretary of the Society for the use of the Society.

170. It shall be the duty of the Reporter of the Court of Chancery personally to attend all the sittings of the said Court of Chancery, and to note all Judgments of general importance delivered by the said Court of Chancery or any of the Judges thereof, and such other Orders or Judgments as the Reporter thereof may be required by any of the Judges thereof from time to time to report. It shall in like manner be the duty of the Reporter of the said Court of Chancery to publish such Judgments in monthly numbers, but none of such Judgments shall remain unpublished for a longer period than three months after the delivery of the same respectively, and three of such monthly numbers shall, as soon as published, be deposited by the Reporter of the said Court of Chancery with the Secretary of the Society for the use of the Society.

171. The said several Reports shall be so arranged that twelve numbers shall constitute one volume, and be capable

of being bound as such, and the last number of each volume shall contain a general alphabetical index and a conveniently arranged digest of all the cases reported therein.

172. It shall be the duty of the said respective Reporters to attend the sittings of the Court of Appeal, to note the Judgments given in Appeal upon every case appealed from the Court of which he is Reporter, and shall, as soon as conveniently possible, after such Judgment in Appeal, publish the same in the volume of the Reports of the decisions of the Court of which he is Reporter.

173. The said Reporters respectively shall, in preparing for publication the said respective Reports hereby required to be published in manner aforesaid, give a faithful summary of the argument of, and the cases quoted by, the counsel engaged in the cases so reported, together with the Judgments, or (with the approval of the Judges) so much of the Judgments of the said several Judges of the said respective Courts as may be deemed of sufficient importance as to the subject matter or point decided to require publication.

174. In the event of any Reporter being requested by any person to furnish a copy in writing of any Judgment, delivered in the Court of which he is Reporter, before the publication thereof as hereby required, it shall be the duty of such Reporter to furnish such copy in writing to the person demanding the same with as convenient despatch as possible, upon receiving the sum of six-pence per folio of one hundred words of such Judgment, which sum, and no more, such Reporter is hereby authorised to charge and receive; but no such charge shall be made in the case of a copy in writing being required of any such Judgment after the expiration of three months from the delivery thereof, but if not previously published, such copy shall be then furnished gratis by such Reporter to the party demanding the same.

175. All expenses of every nature and description attending the publication of the said several and respective reports shall be borne by the Reporters thereof respectively, and all

profits to arise from such publication shall belong to the said respective Reporters, for their own several and respective use and benefit.

176. In case of the unavoidable absence of any of the said Reporters respectively, from illness or any other sudden or necessary cause, during any of the sittings of the said several and respective Courts, it shall be competent for the said Reporters respectively, with the assent of the Treasurer of the Society for the time being, to appoint some fit and proper person, being a Barrister-at-Law practising in the Court, to report the judgments to be reported by the said Reporter.

177. Each of the Reporters of the said respective Courts shall be responsible for the due discharge of such duties by such his nominee as aforesaid.

178. It shall at all times be competent for the Benchers of the said Society in Convocation, in their discretion, to grant leave of absence to the said respective Reporters for such period, and under such restrictions and conditions for ensuring the due performance of the duties of the office during such absence, as to the said Benchers in Convocation may seem expedient.

179. The Salary of each of the said Reporters shall be one hundred and fifty pounds currency per annum, payable quarterly out of the Treasury of the Society, on the first days of January, April, July and October in each year.

180. Except as hereinafter provided, no part of the Salary shall at any time be paid to any Reporter, whenever or so long as any of his duties remain unperformed.

181. It shall, in the case of any such Reporter, be competent for the Benchers of the said Society in Convocation, once, but not oftener, in each year, by a special executive order of Convocation, setting forth the reasons for making the same, to order the payment of his salary, notwithstanding such duties may not have all been completed pursuant to the provisions of this Rule.

## ANNUAL CERTIFICATE FEES.

182. In case any Attorney or Solicitor of any of the Superior Courts, desirous of obtaining his Annual Certificate, according to the provisions of the Statute in that behalf, pays on any day within the Term of Michaelmas, in any year, to the Treasurer of this Society, the sums hereinafter mentioned according to the scale set forth in the Schedule hereunto annexed, together with all such other fees and dues, if any, as by the said statute are required to be paid by him on obtaining such Annual Certificate, such Attorney or Solicitor shall be thereupon entitled to such certificate or certificates respectively for the year commencing with the first day of such Michaelmas Term; and such certificate or certificates shall be thereupon issued to him by the Secretary of this Society, as provided by the said Statute; and every such Attorney or Solicitor who does not pay his Annual Certificate Fees as aforesaid, until after the last day of Michaelmas Term in any year, shall pay to the Treasurer of this Society for the same, the full sum of twenty-five shillings as the fee for the certificate to practise in each of such Courts severally and respectively, as limited by the Statute in that behalf, together with all such fees, dues and penalties, if any, as by the Statute in that behalf are required to be paid by such Attorney or Solicitor, upon or previous to the issue of such certificate or certificates as aforesaid; and upon such payment thereof to the Treasurer of this Society, at any time after the last day of such Michaelmas Term, such certificate or certificates shall be issued to him by the Secretary of this Society, as provided by the Statute in that behalf.

## SCHEDULE.

183. Amount of Annual Certificate Fees, when certificate is taken out within Michaelmas Term :

For Certificates for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery.....	£2 0 0
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For Certificates for any two of the said Courts.....	1	10	0
For a Certificate for any one of the said Courts, separately .....	1	0	0

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### EXAMINERS FOR CALL.

184. In Michaelmas Term in each year one or more members of this Society of the degree of "Barrister-at-Law" shall be appointed Examiner or Examiners for the purpose of conducting the examination of persons applying for Certificates of Fitness to be admitted as Attorneys or Solicitors, and such examinations shall be conducted according to the Rules, Regulations and Orders of this Society in that behalf.

185. The person or persons to be appointed such Examiner or Examiners as aforesaid shall also be Examiner or Examiners of Candidates for Call to the Bar of Upper Canada, and Lecturer or Lecturers in Law and Equity under the Rules and Regulations or Orders of the Society in that behalf.

186. A sum of £200 of the funds of this Society shall be yearly appropriated for the payment of such Examiner or Examiners, Lecturer or Lecturers, who shall become entitled to the same or any part thereof, at such times and by such instalments, and (in case there be no more than one Examiner or Lecturer) in such proportions as the Benchers in Convocation from time to time direct.

187. The appointment of every Examiner and Lecturer shall be for the period of one year; but in the event of any person becoming unable, from sickness or any other cause, or unwilling or neglecting to discharge the duties of his office as such Examiner or Lecturer, the Treasurer of the Society for the time being shall, in case of the emergency arising in vacation, appoint a new or substituted Examiner or Lecturer in the place of the person so becoming unable or unwilling, or refusing to discharge the duties of his office, and such new

or substituted Examiner shall hold his office until the Benchers in Convocation appoint another Examiner or make other order to the contrary, and such appointment or order may be made in any Term.

188. In case the necessity for making such new appointment arises in Term time, the appointment shall be made by the Benchers in Convocation.

189. No person shall be appointed to the said office who at the time of his appointment is a Bencher of the Society, and no salaried Lecturer and Examiner shall be elected a Bencher while he holds the office of Lecturer and Examiner.

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#### SUSPENSION OF BARRISTERS STRUCK OFF THE ROLL OF ATTORNEYS OR SOLICITORS BY ANY OF THE SUPERIOR COURTS.

190. Upon any order being made by any of Her Majesty's Superior Courts of Law and Equity in Upper Canada, whereby any person being at the time a member of this Society is ordered to be struck off the Roll of Attorneys or Solicitors of such Court, and whereby it is also further ordered, that such order shall be transmitted by the proper officer of such Court to the Treasurer of this Society; such person so ordered to be struck off the Rolls of such Court shall, *ipso facto*, be suspended from the exercise of all and singular the rights, powers, and privileges belonging to him in this Society, or elsewhere, as a member thereof, and such suspension shall continue until such person be restored to the Rolls of such Court as an Attorney or Solicitor thereof, and also to the Rolls of such other of the said Courts as may, on communication of such order or otherwise, have ordered him to be struck off their Rolls respectively.

191. Such suspension shall in no respect be deemed an affirmation on the part of this Society, or any of the author-

ities thereof, of the correctness of the grounds upon which the decision of such Court or Courts is founded, but as a mere legal consequence attached to such decision.

192. Such suspension shall not preclude the adoption of proceedings by impeachment or otherwise, according to the course of this Society, before the Benchers thereof in Convocation for disbarring and expelling such person from this Society, on the same grounds upon which any such Court may have proceeded to remove him from their Rolls, or any other that may render such proceeding necessary or proper in that behalf.

193. It shall be the duty of the Treasurer of this Society on receipt of any such order from the proper officer of any of the said Courts, to lay the same before the Benchers of this Society in Convocation at their next meeting; and the same shall be thereupon entered at length upon the Journals of Convocation, but no entry of such suspension shall be entered upon the Rolls of this Society.

194. Upon the Treasurer of this Society being informed of orders having been made by the said Courts, or by the Courts which removed any such person from their Rolls as aforesaid, for the restoration of such person to such Rolls, it shall be his duty to procure office copies of such orders so restoring such person to the Rolls of such Courts, and to lay the same before the Benchers of this Society in Convocation at their next meeting, and the same shall thereupon be entered at length upon the Journals of Convocation.

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#### INTERPRETATION.

195. The Interpretation clauses of the Interpretation Acts having force in Upper Canada, shall, so far as material and applicable, be considered as also applying to the rules and Orders of this Society in like manner as if expressly incorporated therewith.



REPEAL OF FORMER RULES.

196. All Rules of this Society inconsistent with the foregoing Rules are hereby repealed.

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SCHEDULE.

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197. The following Forms are approved of by the Society, and shall be used where applicable or adapted to the circumstances of the particular case :

I.

NOTICE OF PRESENTATION FOR ADMISSION.

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

Mr. A. B. (some Benchers) gives notice, that C. D. (names in full, no initials) of E. in the county of F. in this province, Gentleman, son of G. D. of the same place, Merchant, (or as the case may be,) will, next Term, be presented to the Benchers of this Society, in Convocation, for the purpose of being entered of, and admitted into, the Society as a Student of the Laws.

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II.

PRESENTATION FOR ADMISSION.

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

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

GENTLEMEN,—I hereby present to the Examining Committee and to the Convocation, C. D. (names in full, no initials) of E. in the county of F. in this province, Gentleman, son of G. D. of the same place, Merchant, (or as the case may be,) for the purpose of his being examined and entered of, and admitted into, the Society as a Student of the laws.

J. T.

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

## III.

## PETITION FOR ADMISSION.

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

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

The Petition of C. D. (christian and surnames at length, no initials) of E. in the county of F. in this province, Gentleman, son of G. D. of the same place, Merchant, (or as the case may be,) most respectively sheweth: That your Petitioner is of the full age of        years; that he has received an education which he trusts sufficiently qualifies him to commence the study of the profession of the Law; that he received his education at the University of Oxford; (or "at Upper Canada College," "Upper Canada Academy," or at the school of G. H. at Z. in the county of F. in this province, or as the case may be, being as full and particular as possible;) that he has been instructed in the following branches of learning, that is to say, in        (as the case may be;) that in the course of such instruction he has read the following books, that is to say,        (as the case may be;) that your Petitioner is desirous of becoming a member of the Law Society of Upper Canada, and of being entered thereof as a Student of the Laws.

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

WITNESS,

R. W.

C. D.

Michaelmas Term, 23 Vic.,

(or as the case may be.)



the Law Society of Upper Canada in Convocation, on the day of        in the Term of        in the year of our Lord one thousand eight hundred and        duly admitted into the said Society as a member thereof, and entered as a Student of the Laws, taking precedence as such in this Society next immediately after Mr. Y. R., and that he now remains on the Books of this Society as a member thereof. In testimony whereof, I, J. R., Esq., Treasurer of the said Society, have to these presents affixed the Seal of the said Society at Osgoode Hall, this        day of        in the year of our Lord one thousand eight hundred and        and in the        year of Her Majesty's Reign.

J. M. C., *Secretary.*

J. R., *Treasurer.*

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## VI.

### PERSONAL REPORT TO THE SECRETARY BY A STUDENT ABOUT TO ATTEND LECTURES.

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

*To the Secretary of the Law Society of Upper Canada.*

SIR,—I, C. D. (names in full) a member of this Society, now standing on the books as a Student of the Laws, and now reading for the Profession, under the superintendence of Mr. J. J., one of the members of this Society, of the Degree of Barrister-at-Law, and being now in attendance for the purpose of attending Lectures this present Term, do hereby report myself to you on this        day of        18        , as being in attendance for that purpose.

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## VII.

### PERSONAL REPORT OF STUDENT TO THE SECRETARY ON THE LAST DAY OF TERM.

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

*To the Secretary of the Law Society of Upper Canada.*

SIR,—I, C. D. (names in full) a member of this Society, now standing on the books as a Student of the Laws, and

now reading for the Profession, under the superintendence of Mr. I. J., one of the members of this Society, of the Degree of Barrister-at-Law, having attended Lectures during this present Term at the seat of the Society, do hereby report myself and exhibit the Examiners' certificate of attendance to you on this day of 18 , being the last day of this present Term, for the purpose of having my name inserted in the Register, pursuant to the Rule of the Society in that behalf.

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VIII.

NOTICE OF PRESENTATION FOR CALL.

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

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

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IX.

PRESENTATION FOR CALL.

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

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

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

for the purpose of his being called to the Degree of Barrister-at-Law. I. J.

Some member of the Society of the Degree of Barrister-at-Law.

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X.

PETITION FOR CALL.

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

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

The Petition of C. D. (christian and surnames at length, no initials) of E. in the county of F. in this Province, Gentleman, son of G. D. of the same place, Merchant, (or as the case may be,) and a member of this Society, now standing on the books as a Student of the Laws, most respectfully sheweth,—That your Petitioner is of the full age of years; that he has received a professional education which he trusts sufficiently qualifies him to commence the practice of the Profession of the Law; that he is of years' standing in the books of the Society as a Student of the Laws; that he has received his professional education under the superintendence of J. K. (or of J. K. for the space of 2 years, L. M. for 1 year, and N. O. for 2 years, or as the case may be) a member of this Society of the Degree of Barrister-at-Law; that he has since his admission into the Society attended Lectures pursuant to the Rules of this Society in that behalf, that is to say: the Term of Michaelmas, 18 , the Term of Hilary, 18 , the Term of Easter, 18 , and the Term of Trinity, 18 , (as the case may be).

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

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

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

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

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

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

Witness,  
N. P.

C. D.  
Michaelmas Term, Vic.

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XI.

BOND.

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

Know all men by these presents, that we C. D. (names in full) of E. in the county of F. in this Province, Gentleman, Member of the Law Society of Upper Canada, now standing on the books of the said Society as a Student of the Laws, (or "Esquire, Member of the Honourable Society of Lincoln's Inn, Gray's Inn, the Middle Temple, or the Inner Temple," as the case may be, "duly called to practise at the Bar of Her Majesty's Superior Courts in England," or "Esquire duly called to practise at the Bar in Her Majesty's Province of Lower Canada," (Nova Scotia or New

Brunswick, &c., as the case may be,) “in North America,”) and Z. D. of E. in the county of F. merchant, and V. N. of T. in the county of S. yeoman, are jointly and severally held and firmly bound to the Law Society of Upper Canada in the penal sum of One Hundred Pounds of lawful money of Upper Canada, to be paid to the Law Society of Upper Canada aforesaid; for which payment to be well and truly made we bind ourselves, and each of us binds himself, our, and each, and every of our heirs, executors and administrators firmly by these presents. Sealed with our seals. Dated this     day of     in the     year of Her Majesty’s reign, and in the year of our Lord one thousand eight hundred and

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

Sealed and delivered in the presence of

A. B.

L. S.  
L. S.  
L. S.



## XII.

## CERTIFICATE ON BOND.

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

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

J. S.  
J. R.

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 XIII.

## SUB-TREASURER'S REPORT ON PETITION FOR CALL.

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

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

The Sub-Treasurer with reference to the Petition and Presentation for Call of C. D. hereunto annexed, begs leave pursuant to the standing order of Convocation in this behalf, most respectfully to report :

That he has carefully examined the said petition and presentation, and that they appear to him to be complete and regular in every respect, that he has searched the Journals of Convocation, and finds that the said candidate was duly admitted into this Society as a Member thereof, and entered as a Student of the Laws, on the day of in the Term of in the Year of our Lord 18 ; that the Class of the Examination of the said Candidate on his Admission was, that he has searched the Register and finds that the said Candidate has duly attended Lectures at the Seat of the Society, pursuant to the Rule in that behalf, that is to say, the Term of 18 , the Term of 18 , the Term of 18 , and the Term of 18 .

That Notice of the Presentation of the said Candidate for this Call, was duly given on the day of in last

Term. That the said Candidate has fully conformed himself to the Rules of the Society and Standing Orders of Convocation, and that should his education be found upon examination to be sufficient, there exists to his knowledge no objection to the Call of the said Candidate to the Degree of Barrister-at-Law.

All which is most respectfully submitted.

*Treasurer's Office,      day of      18 .*

*Sub-Treasurer.*

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XIV.

DIPLOMA OF BARRISTER-AT-LAW.

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

Be it remembered that C. D. of E. in the county of F. in this province, Gentleman, son of G. D. of the same place, Merchant, (or as the case may be,) was by the Benchers of the Law Society of Upper Canada in Convocation, on the      day of      of the Term of      in the year of our Lord one thousand eight hundred and      duly called to the Degree of Barrister-at-Law, and that he now remains on the books of this Society as a Barrister thereof. In Testimony whereof, I, J. R., Esq., Treasurer of the said Society, have to these presents affixed the Seal of the said Society at Osgoode Hall, this      day of      in the year of our Lord one thousand eight hundred and      and in the      year of Her Majesty's Reign.

J. M. C., *Secretary.*

J. R., *Treasurer.*

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XV.

TREASURER'S SUMMONS FOR A SPECIAL CONVOCATION.

LAW SOCIETY OF UPPER CANADA, OSGOODE HALL, TO WIT :  
Monday, the fifth day of November, in Michaelmas Term  
in the      year of the Reign of Queen Victoria, A. D.  
18 .

GENTLEMEN,—By virtue of the authority vested in me as Treasurer of this Society by the Rules thereof, I have

thought fit to summon, and I do hereby accordingly summon, A CONVOCATION OF THE BENCHERS OF THIS SOCIETY, to be held in the Convocation-Chamber, in Osgoode Hall, at the hour of ten o'clock in the forenoon of       , the        day of       , in this present Term. This therefore is to notify you, and every of you, of the same, pursuant to the Rule above mentioned, and to request your attendance, and the attendance of each of you, at the time and place aforesaid.

Yours, &c.

To The Benchers of The Law }  
Society of Upper Canana, and }  
every of them.

J. R.  
*Treasurer.*

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Passed in Convocation,  
30th August, 1859.

Approved by the Visitors,  
1st September, 1859.

J. B. MACAULAY,  
*Treasurer.*

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THE BENCHERS OF THE LAW SOCIETY IN  
CONVOCATION,

IN TRINITY TERM, 1ST & 2ND WM. IV.,

PASSED THE FOLLOWING

RESOLUTIONS OF CONVOCATION.

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1. *Resolved*—That the Law Society of Upper Canada was established by act of Parliament of Upper Canada, of the 37th of Geo. III., Chap. 13.

2. *Resolved*—That under that act all persons duly entered of the Society and admitted on its books, whether as Students or Barristers-at-Law, became by such entry and admission, to all intents and purposes whatsoever, Members of the Society.

3. *Resolved*—That by that act, the Society was empowered, with the approbation of the Judges of the Superior Courts as Visitors of the said Society, to make such Rules and Regulations as might be deemed necessary or proper for the government of the Society.

4. *Resolved*—That by a rule of the Society, of Michaelmas Term, 40th Geo. III., Cap. 2, passed by the Society on the 9th day of November, 1799, at a general meeting summoned by letter to all the Members, for the express purpose of altering and adding to the Rules and Regulations of the Society, and approved of by the Judges, according to the Statute, on the 16th day of January, 1800, it was provided that the Benchers of the Society for the time being should be considered Governors of the said Society, and have full

power to make such Rules and Regulations from time to time as should or might be necessary for the welfare of the Society, subject to the inspection of the Judges.

5. *Resolved*—That by that rule, the whole power of making Rules and Regulations for the government of the Society was duly transferred to and vested in the Convocation of Benchers.

6. *Resolved*—That by the Act of the Parliament of Upper Canada of 2nd Geo. IV., Cap. 5, the Rule above mentioned and the proceedings of the Benchers under it were recognised and followed up by a legislative enactment incorporating that portion of the Society in which the power of legislating for the whole body had been so vested.

7. *Resolved*—That while this last-mentioned Act of Parliament confers corporate powers upon the Treasurer and Benchers only, under the corporate name of The Law Society of Upper Canada, it does not interfere with the right of membership of persons duly entered of the Society and admitted on its books as Students or Barristers-at-Law, but leaves them members of The Law Society of Upper Canada, though not members of the Corporation of The Law Society of Upper Canada.

8. *Resolved*—That the powers conferred by this last-mentioned act upon the Treasurer and Benchers, as well as all others with which they have been entrusted, are held by them in trust, and for the benefit of the Society at large, and not for the benefit of the Corporation of the Society only.

9. *Resolved*—That in fulfilling the various and important duties imposed upon it by the constitution of the Society, the Convocation of the Benchers is frequently called upon to pass Rules for the Government of the Society at large; to adopt Resolutions explanatory of the sense entertained by the Benchers of existing regulations, and upon different other matters connected with the profession; to make General

Orders for the regulation of its own proceedings as a body ; and finally to direct by Particular Orders the executive business of the institution.

10. *Resolved*—That by the Act of Parliament of the 37th Geo. III., Cap. 13, it is provided that the Rules and Regulations for the Government of the Society shall be made with the approbation of the Judges, as Visitors of the Society.

11. *Resolved*—That the Judges have declined either to assent to, or to dissent from resolutions of the Convocation, which did not contain provisions for the general government of the Society, expressly on the ground that their authority as Visitors under the statute, did not extend to control any such proceedings of the Convocation.

12. *Resolved*—That under the Act of Parliament of the 37th Geo. III., Cap. 13, the approbation of the Judges is necessary only to “The Rules of the Society,” that is, to such regulations as provide for the general government of the Society at large, or, as being general in their operation, contain provisions by which persons not members of the Convocation may be directly affected, and such are in no respect binding on the Society, or on any member of it, until the Judges of the Province have duly approved thereof according to law.

13. *Resolved*—That to “The Resolutions of the Convocation,” that is, to such resolutions as are merely explanatory of the sense entertained by the Benchers, of existing rules or regulations, or upon other matters connected with the profession, the approbation of the Judges is in no wise necessary, but such are in every respect effectual for the purposes intended, and binding upon the Society at large and upon every member thereof without such approbation.

14. *Resolved*—That to “The Standing Orders of the Convocation,” that is, to such regulations of the Convocation as provide merely for the regulation of its own proceedings as

a body, the approbation of the Judges is in no wise necessary, but such are in every respect effectual for the purposes intended, and binding upon the Society at large, and upon every member thereof without such approbation.

15. *Resolved*—That to “The Particular Orders of the Convocation,” that is, to such orders as are given by the Convocation in directing the executive business of the Institution, the approbation of the Judges is in no wise necessary, but such are in every respect effectual for the purposes intended, and binding upon the society at large and upon every member thereof without such approbation.

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## STANDING ORDERS OF CONVOCATION.

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The Benchers of the Law Society in Convocation order as follows :

### SEAL.

1. The Seal of this Society heretofore in use, and bearing the following device, viz., a shield, in the centre whereof stands a doric column, surmounted by a beaver. On the dexter side of the shield stands the figure of Hercules, and on the sinister the figure of Justice, with the scales in her right hand, and the sword in her left, and the words, “*Magna Charta Angliæ*,” inscribed on a ribbon floating round the column, together with the words, “Law Society of Upper Canada,” upon the exterior circle, and the words and figures, “Incorporated 1822,” beneath the column within the exterior circle, shall be, and shall continue to be, the Seal of the Society.

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

ROLLS AND OTHER ARCHIVES.

3. The Treasurer shall, during his tenure of office, safely keep the Rolls and Archives of this Society, and shall personally or by the Sub-Treasurer, hand over the same to the Treasurer elect upon his entering on the duties of his office.

4. The Treasurer shall in like manner keep the Seal of the Society, and in like manner hand over the same to his successor.

5. No alteration or addition of what nature or kind soever, shall, upon any pretence whatsoever, be made in or upon the Rolls of this Society, except under the personal direction of the Treasurer of the Society for the time being, and the making of such alteration or addition, with the occasion thereof, shall be formally entered on the Journals.

6. On the first day of every Term a Report shall be made by the Treasurer in writing, stating the entries to be made on the Rolls in consequence of the admissions, calls, elections, or appointments of the preceding Term, and the said Report having been carefully examined with the Journals during such Term and adopted, the entries shall be thereupon made by the Secretary in the paper copy of the roll and the index continued.

7. The entries in the parchment Rolls of the Society shall be made by the Secretary from the paper copy, under the superintendence of the Treasurer.

8. Whenever it becomes necessary to attach an additional piece of parchment to any one of the Rolls of this Society, the making such addition shall be committed to a select Committee of Benchers with special instructions to have such



addition made in their presence, to the end that the said Rolls may never be out of the actual possession of some member of the Convocation specially appointed for their safe-keeping.

9. Upon every such Committee reporting that they have made such addition, the Seal of the society shall be again in open Convocation affixed to the Rolls.

#### JOURNALS.

10. The Journals of every Term shall be made up by the Secretary in the vacation following such Term.

11. The Journals of every Term having been so made up, shall, in the Term next following, be examined by the Treasurer, or by a Committee of Benchers appointed for the purpose, and shall, by the Treasurer, or by such Committee, be in the same Term reported to the Convocation for confirmation, and shall thereupon, upon motion made, receive the signature of the Treasurer during that Term.

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