

for admission to study. for admission to study held in 1885, and may, at the time prescribed by law, present himself for examination for admission to practise his intended profession, as if he had received a certificate of admission to study and had been under indentures since the spring of 1885, provided that he commenced studying in the autumn of 1885, that there be no other irregularity in his studies, and that he has otherwise complied with the requirements of the law.

Proviso.

Certain students allowed to present themselves for examination although studies have been interrupted. 2. Every student of a liberal profession, who was under indentures at the time he entered service upon the North-West Expedition of 1885, and who otherwise fulfilled the conditions required by law for admission to such profession, may be admitted to the examination for the practice of such profession as if he had not interrupted his studies for the said expedition, and, if he passes such examination, he shall have a right to be admitted to practise such profession.

Coming into force. 3. This act shall come into force on the day of its sanction.

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CAP. XXXIV.

An Act respecting the Bar of the Province of Quebec.

[Assented to 21st June, 1886.]

Preamble. **W**HEREAS the general council of the Bar of the Province of Quebec has, by petition, prayed that the law respecting the Bar of the Province of Quebec be amended, and it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

SECTION FIRST.

GENERAL PROVISIONS.

§ 1.—*General Corporation of the Bar.*

Certain persons constituted into a corporation. 1. Under the name of "The Bar of the Province of Quebec," the advocates, barristers, counsel, attorneys, solicitors and proctors-at-law of the province, who, in this act, are designated by the general name of advocates, form a corporation herein called by the short title of "the general corporation of the Bar."

Corporate name.

§ 2.—Corporations of sections.

2. Saving the power of the general council to establish new sections, the said general corporation is divided into sections as follows, to wit: the sections of Montreal, Quebec, Three Rivers, Saint Francis, Arthabaska and Bedford.

3. Each section forms a separate corporation under the name of "The Bar of (Montreal, Quebec, Three Rivers, Saint Francis, Arthabaska, Bedford, &c., as the case may be)," and is composed of the practising advocates domiciled in each of the said sections respectively.

§ 3.—General provisions applying to all corporations.

4. All actions, brought against any of the said general or sectional corporations, must be served, in the usual manner, upon the bâtonnier or upon the secretary of such corporation, either personally or at his office, and every other service must be made in the same manner, which, under the provisions of the Code of Civil Procedure and the rules of practice, must be served upon the parties themselves.

5. Each of the said corporations shall have a common seal, with the name of the corporation inscribed thereon.

6. Each of such corporations possesses all the powers conferred upon civil corporations by the laws of this country, but none can acquire immoveables to the value of more than fifty thousand dollars.

§ 4.—By-laws of such corporations.

7. The general corporation has power to make by-laws: For maintaining the honor and dignity and the discipline of the members of the bar;

For the preparation and publication of the General Roll of advocates in the province;

For defining and enumerating the professions, trades, occupations, business or offices incompatible with the dignity of the profession of advocate, as well as the offices or charges incompatible with the practice of the profession;

For defining, in so far as the same may be necessary, the duties of its own officers, and those of the officers of sections towards the general corporation or its officers;

For defining the mode and the subject matter of the examination of candidates for admission to the study or practice of the profession, and the qualifications required of the candidates in addition to those hereinafter specified.

For determining the amount of the remuneration to be paid to the examiners, the members of the council and its officers.

For organizing, on such conditions as it may determine, new sections, if need be, in any district in which there are at least thirty advocates entered on the roll ; and

For establishing and maintaining, by means of the annual contribution payable by each advocate, in virtue of article 36 of this act or in any other manner which it may deem advisable, official law reports of the decisions of the courts of the country.

Power of corporations to make by-laws.

8. The general corporation and the corporations of sections may make by-laws :

For their internal government and the administration of their property ;

For defining the duties and functions of their officers and employees and providing for their remuneration, and finally,

For every matter of general interest to the corporation and the members thereof.

Coming into force of by-laws of the general council.

The by-laws of the general corporation, unless the council appoints another date, come into force thirty days after they have been forwarded by the secretary-treasurer of such council to the secretaries of sections, and this delay runs from the day they are mailed to them.

Coming into force of the by-laws of sections.

The by-laws made by councils of sections, unless they appoint another date, come into force on the day they are passed.

By-laws of sections not to conflict with those of general council.

9. The by-laws of a corporation of a section must not conflict with the by-laws of the general council ;

All such by-laws may be amended or repealed.

Present by-laws.

10. The present by-laws consistent with this act remain in force until repealed.

## SECTION SECOND.

### GENERAL COUNCIL.

#### § 1. — *Composition of the Council.*

General council and its corporation.

11. The powers conferred upon the general corporation by this act are exercised by a council, called the "General Council of the Bar of the Province of Quebec," which is composed of the bâtonnier and a delegate from each of the sections of Montreal, Quebec, Three Rivers, and Saint Francis, of the bâtonniers of the sections of Arthabaska and

Bedford and of each of the sections which may hereafter be established, as well as of the secretary-treasurer of the general council.

**12.** The general council selects yearly, from among its members, a president, known under the name of the "Bâtonnier of the Province of Quebec," and selects from amongst the advocates in the province, of at least ten years' practice, a secretary-treasurer, who is a member of the council and the secretary of the board of examiners.

Officers of the council.

**13.** Every act, required to be performed by the secretary-treasurer of the council, may, when he is unable to act, be with the same effect performed by the bâtonnier of the province or by the officer appointed by the general council, as assistant to or substitute for the secretary-treasurer.

Bâtonnier or other person may perform duties of secretary-treasurer.

**14.** As soon as the secretary-treasurer of the general council is informed of the election of the bâtonniers of sections and of the appointment of the delegates, he convenes the members of the general council by mailing a letter to each of them.

Calling of meeting of general council.

The annual meetings of the general council shall be held at Quebec, Montreal, Three Rivers and Sherbrooke according to the notice calling the meetings.

Place of meeting.

The general council may however determine the place of its sittings and where its general or special sittings shall be held.

Proviso.

The bâtonnier and secretary-treasurer may call special meetings, and five members of the council may require the secretary-treasurer to convene such a meeting, saving the right of the general council to otherwise order with reference to the object of this section.

Special meetings.

Proviso.

**15.** The quorum of the general council is composed of the majority of its members.

Quorum of council.

Every question submitted shall be decided by the majority of the members present.

Decisions.

In addition to his ordinary vote, the bâtonnier of the province, or the temporary president elected in his absence, has a casting vote.

Casting vote of bâtonnier or presiding officer.

**16.** The bâtonnier of the province has precedence over the other members of the bar.

Precedence of bâtonnier.

## SECTION THIRD.

## SECTIONS AND COUNCILS OF SECTIONS.

§ 1.—*Meetings of Sections.*

**17.** Twenty members form the quorum at meetings of the sections of Quebec and Montreal and eight at those of the other sections.

**18.** Special meetings of sections may be held and be called by the secretary or, in the event of his absence or inability to act, by the syndic, on the order of the bâtonnier or on the requisition of twenty members in the section of Montreal, of ten members in that of Quebec, and of six members in the other sections.

**19.** Notices of meetings shall be given in accordance with the by-laws and usages of the section.

§ 2.—*Composition of the Council.*

**20.** The council of each section is composed of a bâtonnier, a syndic, a treasurer, a secretary and of the councillors elected in the following proportion:—

Eight for the Quebec section ;  
Eight for that of Montreal ;

Three for each of the sections of Three Rivers, Saint Francis, Arthabaska, Bedford, and for each new section formed in the future.

The majority of the members of each of the said councils forms a quorum, and every question submitted to the said councils is decided by the majority of the votes of the members present.

In addition to his ordinary vote, the bâtonnier, or temporary president selected in his absence, has a casting vote, both at the meetings of the council and at those of members of the section.

The bâtonnier of the section takes precedence over all the other members of the section.

**21.** The council of a section is elected by ballot, by the members of the section qualified to vote, at the annual meeting to be held on the first juridical day of the month of May, in each year.

The new council enters into office immediately after election.

**22.** Every member of the bar is qualified to vote, who Right to vote. has a right to practise and who has paid to the treasurer of the section his subscription and all arrears thereof, lawfully due, both in virtue of the present and of any former acts.

**23.** If, for any cause whatsoever, an election cannot be Holding of meeting for election after day appointed. held on the day appointed, it shall take place at a meeting, specially called by the secretary, or, in his absence, by the syndic.

If the secretary or the syndic shall not, by the tenth of Duty of bâtonnier to call meeting in certain event. May, have given the required notice, it shall be the duty of the bâtonnier to call such meeting.

At any time after the fifteenth of May, it may be called Members may call meeting after certain date. by six members of the bar of the section.

If the election is not held before the first of June, the Effect if election not held before certain date. section ceases to be represented upon the general council and upon the board of examiners; and if the election is not held before the first of September, the section is *ipso facto* dissolved.

### § 3.—Powers of the Council.

**24.** The council of each section has, with regard to its General powers of council : members, power :

1. To pronounce, as the importance of the case may To censure. require, a censure or reprimand against any member guilty of any breach of discipline, or of any act derogatory to the honor or dignity of the bar, or who is convicted of exercising or of having filled any position or office the occupation of which is incompatible with the profession of advocate, of exercising any calling or trade, of being engaged in any industry, or of carrying on any business, or holding any office inconsistent with the dignity of a member of the bar, or of having infringed the by-laws of the general council or of the council of his section.

2. To deprive such member of the right of voting and To deprive of right to vote, &c. of the right of attending the meetings of the section, for any term, in the discretion of the council, not exceeding five years.

The council of such section may also, according to the To suspend. gravity of the offence, punish such member by suspending him from his functions, for any period whatsoever, in the discretion of the said council, and may deprive him forever of the right of practising his profession.

In default of a by-law of the general council applicable Decision of council. to a particular case, the council of the section decides definitively, to the exclusion of all courts, subject only to appeal to the general council, whether the act com-

plained of is derogatory to the honor, dignity or discipline of the bar ; if the position or office is incompatible with the practice of the profession of advocate, and the calling, trade or industry, business or office is inconsistent with the dignity of the profession.

Costs.

The council of the section may, in its discretion, condemn either party to costs or apportion the same.

To prevent, &c., differences, &c., between members, &c.

3. To prevent, reconcile and settle all differences between members of the section, or between advocate and client, concerning professional matters.

## SECTION FOURTH.

### LIBRARY ASSOCIATIONS

Existing library associations confirmed, and establishment of others provided for.

**25.** Every library association, established at a *chef-lieu* of a judicial district not constituted a section, is hereby maintained, and one may be established in any such judicial district in which none as yet exists.

Declaration to form library association.

**26.** When at least two-thirds of the advocates in one of such districts have signed a declaration in triplicate, setting forth that they form themselves into an association to acquire and own a library for their own use and that of the judge in the district, and one of such triplicates has been deposited in the hands of the secretary of the section, another in the hands of the secretary-treasurer of the general council, the third in the hands of the prothonotary of the district, they may present a petition to the general council, praying that the advocates of such district be constituted a library association.

Petition to council for such purpose.

Effect of granting petition.

If such petition is granted, a copy of the resolution of the general council is forwarded to the secretary of the section and to the prothonotary of the Superior Court for the district, and thereafter all the advocates residing in the district, who may hereafter reside therein, constitute a civil corporation for the said purposes, under the name of "The Library Association of" (adding the name of the district); which shall have all the powers and rights granted to corporations by law, and may possess immoveables to the value of ten thousand dollars.

Name of association.

Powers.

Management of affairs.

**27.** The affairs of the association are administered by a committee of management, composed of a president, a secretary-treasurer and three other members.

Decision of questions.

All questions submitted to the committee are decided by the majority of the members present, including the president, who, moreover, has a casting vote.

Voting.

Quorum.

Three members of the committee form a quorum.

The powers and duties of the said officers are, for the purposes of the association, the same as those of the corresponding officers of councils of sections.

**28.** The first general meeting for the election or choice of the committee, is presided over by the senior advocate present, who, in addition to his ordinary vote, has also a casting vote.

Powers and duties of officers.

Who presides over first general meeting for election of committee ;

All subsequent meetings are presided over by the president, and, in his absence, by a member appointed by the meeting.

Over subsequent meetings.

**29.** Such first general meeting is held at the court-house of the district, on the first Monday of the month immediately following the formation of the association ;—if such Monday be a non-judicial day, then on the following day.

Time for holding first meeting.

If the election does not take place on the day fixed, it may be held at any other meeting, specially called by three members of the association.

If election be not then held.

The quorum of every meeting consists of the absolute majority of the members of the association, qualified to vote.

Quorum.

All the members who have complied with article 31 of this act are qualified to vote.

Right to vote.

**30.** The committee of management may pass the by-laws which it may deem necessary for the purchase, keeping, administration and management of the library and its other property.

By-laws of committee.

**31.** Every member of the association shall, at the time of the first election, and annually thereafter, pay, previous to the first of May, and always in advance, to the secretary-treasurer of the association the sum of five dollars, or such other sum determined by the general council.

Annual contribution by members.

**32.** After the establishment of the association, the members of the bar, forming part of the said association, shall pay to the treasurer of the section an annual sum of one dollar only or such other sum, from time to time, determined by the general council.

Annual contribution by members to treasurer of section.

**33.** It is the duty of the secretary-treasurer of such association to forward to the treasurer of his section, on or before the first of May, but previous to the general election, a list of all the members of the association who have paid their subscription for the following year, as well as all arrears of subscription ; he shall send a similar list,

List of members to be forwarded to treasurer of section.

And to secretary-treasurer of general council.

made up to the date at which it is sent, to the secretary-treasurer of the general council, on the fifth day of May in each year.

Rules by general council for establishment, &c., of library association.

**34.** The general council may make different rules for the establishment of library associations; it may also establish them itself and abolish library associations as well as sections, except the sections of Montreal, Quebec, Three Rivers and Saint Francis, if it finds that the funds of the association or of the section are insufficient or that they have not made a proper and judicious use of such funds.

Power to abolish certain associations and sections.

Powers for such purpose.

For this purpose it may compel the officers of such associations and of all such sections to report to it upon the employment of their funds and the state of their library, and may appoint an inspector itself for that purpose.

Dissolution of association and section.

Every library association and every such section may also dissolve itself, upon a written declaration of the majority of the advocates composing it.

Property in books &c., of dissolved section or library association.

When a library association or section is abolished or voluntarily dissolved, the books, archives, documents and property whatsoever of the association or of the section become the property of the Bar of the section or of the original section from which the section so abolished or dissolved was detached.

Proviso.

Nevertheless, the general council may allow the books of the association or of the section to remain under the charge of the prothonotary or sheriff of the district on such terms and conditions as it may impose, saving its right, at any time, to order the removal of such books to the library of the section or of the original section, as the case may be.

List of officers to be forwarded annually to treasurer of general council.

**35.** It is the duty of the secretaries of sections and of library associations to forward, every year, to the treasurer of the general council, immediately after their appointment or election, a complete list of all their officers.

## SECTION FIFTH.

### SUBSCRIPTIONS BY MEMBERS OF THE BAR.

Annual contributions by members of the profession.

**36.** Every member of the profession pays annually and in advance before the first of May, into the hands of the treasurer of the section, the sum of six dollars, if he resides, or has his office at the *chef-lieu* of the section; the sum of three dollars if he has his office outside of such *chef-lieu*, and one dollar if he is a member of a library association.

In the latter case he pays, in addition, the sum of five dollars to the library association to which he belongs.

The general council may increase each and every of the said subscriptions in such manner and proportion as it may deem necessary for the publication of the official law reports.

May be increased to publish reports.

If such official reports are published under the direction of the general council, it is the duty of the treasurer of the section to forward, without delay, to the secretary-treasurer of the general council, that portion of the subscriptions which is set apart for the publication of such reports.

Duty of treasurer of section in such case.

The councils of sections and of library associations may also increase the subscription of their members for the requirements of the section or of the association.

Sections and associations may increase annual subscription.

**37.** Every advocate, ceasing to practise the profession, may relieve himself from the payment of such subscription, during all the time that he shall so cease practising, by previously paying all arrears due by him, and by informing the secretary-treasurer of the general council, and the secretary of the section, in writing of his intention to cease practising.

On ceasing to practise, giving notice and paying all arrears, advocate relieved from further subscription.

It is the duty of the secretary-treasurer to erase his name from the roll at the date fixed in the notice.

Name to be erased in such case.

If, after the date fixed in such notice as the date on which he shall cease practising, such advocate performs any act of procedure, he remains subject to the provisions of this act, as if such notice had not been given.

If advocate practises thereafter, subject to all provisions of act.

**38.** Such advocate may resume the practice of his profession, by giving notice to the secretary of his section of his intention so to do.

Advocate may resume practice on notice.

Upon payment of his subscription for the current year, the secretary of the section shall post up his notice one month upon the door of the library or the robing-room; and, if no objection be made or if the objection be set aside, he informs the general secretary of these facts, and the latter grants to such advocate the certificate mentioned in article 61 of this act.

Conditions.

If any objection be made on account of the occupation he may have followed in the interval, or of any other cause, the question is submitted to the council of the section, who may, after hearing the parties, refuse to allow or allow such advocate to practise his profession, and it shall state in the judgment the reasons therefor;

If objected to, question to be submitted to council of section.

From such decision an appeal lies to the general council. Appeal.

**39.** Every treasurer of a section and of a library association shall forward, annually, before the fifth day of May, to the secretary-treasurer of the general council, a list of all the advocates in his section, who have then paid all

List of advocates who have paid subscription to be forwarded annually to secretary-treasurer

of general council.

their subscriptions and dues, for the previous years and current year.

List of those who belong to library associations.

2. The treasurer of the section annexes a special list of advocates who, owing to the establishment of a library association in the judicial district in which they reside, have only paid the annual subscription which the members of such associations are obliged to pay.

Names of certain others to be also forwarded.

3. Each treasurer likewise forwards without delay, the name of any advocate who, since the general list forwarded by him, has paid up his arrears and subscriptions due, and the name of any advocate which he may have erroneously sent or omitted.

If certain subscriptions are insufficient to meet the expenses of general council, excess to be apportioned among sections.

40. In case the subscription of ten dollars each, paid for the general council by all candidates for the study and the practice of the profession, and the other revenues collected by the general council, are not sufficient to defray the examination expenses and those of the general council, it is lawful for such council to apportion, between the different sections, and in the manner it may deem the most equitable, any sum which may be required to cover the said expenses.

Treasurers of sections to pay over amount thus apportioned.

2. It is the duty of the treasurer of each section to forward, immediately, to the secretary-treasurer of the general council, the amount apportioned on his section, so soon as he has received a certified copy of such apportionment.

Effect of not paying over.

3. It is lawful for the general council to deprive any section of the right of being represented in the council and at the examinations, during the time it so remains in default to pay its share of the apportionment; and, in such case, the general council completes the number of examiners, by appointing, from amongst the advocates of the other sections, as many examiners as should have been appointed for the section in default;

Reduction in number of members of general council thereafter.

The composition of the general council is reduced to the members of the other sections, a majority of whom forms the absolute majority of the general council, until the section in default has complied with the regulations by paying its share, as above mentioned.

## SECTION SIXTH.

### ADMISSION TO THE STUDY OR PRACTICE OF THE PROFESSION.

#### § 1.—*Examinations and examiners.*

General council controls examinations.

41. The examination of candidates for the study and practice of the profession of advocate, is under the control of the general council.

2. Saving the power of the general council to change, Date and place for holding examinations. from time to time, the date and the place of examinations, either for admission to study only or for admission both to study and practice, these examinations shall be held, alternately, in the cities of Quebec, Three Rivers, Montreal and Sherbrooke, and take place yearly on the second Wednesday in January and the last Wednesday in August.

The general council may also change the number of the Number may be changed. examinations, provided there are not less than two in each year for admission to practice.

3. Saving the power of the general council to determine, Number of examiners. from time to time, the number of examiners to be appointed by each section and the period during which they shall remain in office, each council of a section appoints, from among the members of the section, three examiners for four years.

The examiners may be removed and replaced by the May be removed and replaced. council of the section which appointed them.

The examiners may divide themselves into two boards, Division into boards. one for admission to practice and the other for admission to study.

They are chosen, as far as possible, in equal numbers How chosen. from each section.

Their quorum is five members. Quorum.

4. The secretary-treasurer of the general council, being Secretary of examiners. the secretary of the examiners, it is his duty to attend the His duty. examinations and give assistance to the examiners.

5. The candidate shall only be admitted by the majority of Admission of candidates. the votes of the board, and, in case the votes are equally divided, he shall not be admitted.

42. The general council may appoint persons, selected Appointment of examiners from outside profession. from outside the profession, to assist them in the written and oral examination of candidates for admission to the study of the profession, and may determine their duties and fix their salaries.

### § 2.—Candidates.

43. Notice, in writing, is given by the candidate, at Notice by candidate. least one month beforehand, to the secretary of the section in which he resides, or in which he has resided during the last six months.

Such notice shall contain the following information : Contents of notice.

1. The candidate for admission to study shall mention his name, surname, age and residence, the schools and colleges in which he was educated ; if he has held a situation, or been engaged in any trade, industry or business or occupied any office whatsoever, he shall state the same ;

2. The candidate for admission to practice shall mention his name, surname, age, residence, whether he is a British subject by birth or naturalization, the date of his admission to study, of the registration of his certificate and of his indentures, the various places in which he resided during his clerkship, the name of the advocate under whom he has studied law; he shall mention when he was absent from the office of his patron, for over a month at a time, how long such absence lasted, the reasons therefor, and whether such absence was authorized by his patron; whether during his clerkship he practised any profession, engaged in any business or fulfilled the duties of any office, or was employed in any capacity outside of the office of his patron, and the nature of such office or employment;

Patron's certificate as to time of studies.

He shall, at the same time, hand in a certificate from his patron, certifying as to the period of time during which he studied under him;

Further contents of certificate.

The certificate shall also declare whether, during his clerkship, he exercised any profession, was engaged in any business or filled any office outside of his legal studies; and whether he has fulfilled his duties as a student faithfully and diligently.

Other necessary documents to be also handed in. Declarations of student to be under 37 V., C., c. 37.

At the same time the candidate hands in all necessary certificates and documents.

The declarations of the student shall be made in accordance with the Statute of Canada, 37 Victoria, chapter 37, intituled "An Act for the suppression of voluntary and extra-judicial oaths".

List of certificates to be prepared. Posted up.

44. The secretaries of sections prepare a list of the names of candidates for admission to study and practice, which shall be posted up, during one month, on the door of the robing-room or library of the section, and shall immediately transmit a duplicate thereof to the Queen's printer for this province, who shall publish it twice, gratuitously, and without delay, in the "Quebec Official Gazette";

Published in Quebec Official Gazette.

Contents of list.

Such list contains the name, surname and residence of the candidate, his age, and, in the case of a candidate for admission to study, the names of the schools or colleges in which he has studied, or his previous employment.

Fees to be paid on notice.

45. On giving such notice, candidates shall pay to the secretary of the section a fee of two dollars, and shall deposit with the treasurer of the section the following sums, namely: candidates for admission to study, a sum of twenty dollars, and candidates for admission to practice, a sum of fifty dollars.

In the event of the candidate not being admitted to study or to practice, such amount shall be returned to him, less the sum of ten dollars, mentioned in the following article of this act.

Return of certain amount in case of failure.

46. The secretary of each section, immediately, forwards to the general secretary the notices he has received from the candidates, and all papers and documents which may accompany them.

Transmission of notices to general secretary.

Out of each deposit he has received, the treasurer of each section forwards, immediately, to the general secretary a sum of ten dollars, to meet the expenses of the examination and those of the general council.

And of certain sum out of deposit.

47. No one shall be admitted to study law unless he proves to the satisfaction of the examiners that he has received a liberal and classical education, and unless he undergoes, to their satisfaction, a written and oral examination on the subjects indicated in the programme of the general council.

Proof of attainments required before being admitted to study.

48. The general council may, from time to time, alter and amend the provisions contained in articles 43, 44, 45 and 46, and make others in connection with the matters governed by such articles.

Provisions of arts. 43 to 46 may be altered by general council.

49. No one shall be admitted to practise the profession of advocate, unless he be a British subject and has attained the full age of twenty-one years, and has studied, regularly and without interruption, during ordinary office hours, under indentures, entered into before a notary, as clerk or student with a practising advocate, during at least five consecutive and entire years, dating from the registration of his certificate of admission to study ;

Qualifications required to be admitted to practice.

Nevertheless, a student who has followed a regular course of lectures on law in a university or college of this province, during at least three years, and has taken a degree in law therein, may be admitted after four years of clerkship ;

Proviso; as to those holding a degree in law.

The general council may, from time to time, determine the subjects which shall be studied, and the number of lectures which shall be followed upon each subject in universities and colleges to constitute a regular law course.

Subjects to be studied.

The curriculum once adopted shall not be altered except by a vote of two-thirds of the members of the general council.

Curriculum may be changed.

The law course given and followed in a university or college, and the diploma or degree in law granted to students, shall avail only in so far as the said curriculum has

Value of law course.

been effectually followed by the university or college and by the holder of the diploma conferring the degree.

By-laws by general council.

The general council may make such by-laws as it may deem expedient to give effect to these provisions.

Students may present themselves for examination before finishing studies, but not to receive diploma until afterwards.

**50.** Students may present themselves for examination at the session which is nearest the expiration of their term of clerkship; but the diploma, conferring upon them the title of advocate, cannot be granted to them, until the expiration of their clerkship, nor until they have filed with the secretary of the general council a certificate from their patron that they have continued to attend his office regularly during the period required by law.

Duties of examiners.

**51.** It is the duty of the examiners to inquire into the morals, knowledge, capacity and qualifications of candidates, and, for such purpose, they have the right to summon and examine, under oath, administered by one of them, the candidate and any other person and to put to them any question, pertinent to the inquiry.

Proviso as to witnesses.

Such examiners or the majority of them, have the same powers as the Superior Court to compel witnesses to appear and to answer, under oath, in the manner and under the penalties prescribed by the Code of Civil Procedure.

Proceedings of examiners not to be attacked or set aside.

**52.** No proceeding or decision of the examiners nor any proceedings adopted by them or done before them in the course of the examinations, shall be liable to be attacked, annulled or quashed, not even by *certiorari*.

Decisions final.

All their decisions are final and without appeal.

Report of examiners.

**53.** The examiners report in writing to the bâtonnier of the province.

Effect of report.

If the report establishes that the candidate bears a good character, that he has the necessary capacity, knowledge and qualifications, and that he has fully complied with the law, a certificate of admission to study law is granted to the candidate for admission to study, and to the candidate for admission to practice, a diploma of admission to the Bar of the Province.

Rights conferred by diploma.

**54.** Such diploma confers upon him, after having previously taken an oath, well and faithfully to discharge his professional duties and, after having paid the requisite fees, the right to practise as an advocate, in all courts of the province.

Oath of office.

Such oath is administered by the secretary-treasurer of the general council who certifies the fact on the diploma.

**55.** The said certificate and diploma are signed by the bâtonnier of the province, countersigned by the secretary-treasurer, and bear the seal of the general corporation.

Signature to certificates and diplomas.

They are enregistered in full in the registers of the council, on payment to the secretary-treasurer of the sum of ten dollars, of which eight dollars shall belong to the council, and two dollars to the secretary-treasurer of such council, as a fee, saving the power of the general council to fix another sum to be paid for the secretary or the council.

Registration. Fee thereon.

**56.** Any person, admitted to practise the profession of barrister, in any of the provinces of Canada, under the laws of such province, may, on producing sufficient proof of the fact and certificates of good conduct, and on passing an examination upon the laws of the province of Quebec, to the satisfaction of the examiners, obtain from the bâtonnier of the province a diploma, which authorizes him to practise the profession before all courts in this province.

Admission of barrister from other provinces.

But such person shall, previously, give notice to the secretary of the section in which he resides or, in the event of his not residing in the province, to the secretary of the section which he chooses, and pay a sum of two hundred dollars, or such other greater sum, which may be exacted in the province of such barrister for the admission of a barrister of the province of Quebec to the Bar of such province.

Proviso as to notice.

Fee to be paid.

The treasurer of the section shall forward one hundred dollars out of this amount to the secretary-treasurer of the general council.

Part to be sent to sec.-treas. of general council.

2. The power granted by this section shall extend only to the barristers of a province, in which the same privilege is granted to advocates of the province of Quebec.

Barristers upon whom this privilege is conferred.

3. Any person, being a member of the bar of any of the provinces of Canada, in which the same privileges are granted to the advocates of the province of Quebec, shall have the right to appear and act as an advocate before all the courts of this province, having criminal or correctional jurisdiction.

Barristers from provinces granting the same privileges may practise before criminal courts.

**57.** It is the duty of the secretary-treasurer of the general council to forward, without delay, to the secretary of each section to which the candidates respectively belong, the names and surnames, age and residence of the persons admitted to study or practise the profession.

Secretary-treasurer of general council to send names of candidates admitted to secretaries of sections who is bound to register same.

The secretaries of sections enregister in a book, kept for that purpose, the notice so received by them.

## SECTION SEVENTH.

## DISQUALIFICATIONS OF ADVOCATES.

**58.** No advocate shall practise in any of the courts of the province, and all proceedings taken by him shall be absolutely null and void, in the following cases :

1. If he occupy a position or office, the exercise whereof is inconsistent with the practice of the profession of advocate, as declared by the general council ;

2. If he have been found guilty, by a court of competent jurisdiction, of any crime ranked as a felony, of perjury, subornation of perjury, or of one of the offences set forth in sections 93 to 98 inclusively of chapter 21 of the Statutes of Canada, 32-33 Victoria, and their amendments ;

3. If his name be not inscribed on the general roll of the advocates of the province ;

4. If he have been suspended from his functions by a court or by the council of his section or the general council.

**59.** The clerk of any court of justice, having criminal jurisdiction in the province, before which a trial of an advocate of this province has been had, shall immediately inform the secretary of the section to which the said advocate belongs, of the sentence pronounced upon him, and forward to him a certified copy of such sentence.

1. If the offense be one of those mentioned in the second paragraph of article 58, the secretary of the section shall immediately forward the documents to the general secretary, who shall strike the said advocate's name from the roll ;

2. If the offense constitute a crime, other than those above-mentioned, it shall be the duty of the secretary to lay without delay the said documents before the council of the section, which may order the syndic to proceed thereon as in an ordinary complaint.

It shall be the duty of the syndic to proceed, on such documents, as on an ordinary complaint ;

3. Every judgment of the Circuit Court, of the Superior Court or of a Court of Appeal in Canada, having jurisdiction in this province, or of the Court of Queen's Bench, Crown Side, suspending an advocate from his functions or ordering his imprisonment for contempt of court or for any other reason, shall also be transmitted to the secretary of the section to which the said advocate belongs, by the prothonotary or clerk of the court, and the provisions of paragraph two of this article shall apply to such advocate.

Causes which disqualify an advocate from practising ; Occupying an office inconsistent with profession,

Being found guilty of felony, &c.

If name not on general roll.

If he is suspended.

Duty of clerk of court before which an advocate has been tried to notify secretary of section of sentence.

If sentence is one mentioned in art. 58, name to be struck.

If another crime, to be proceeded with as on a complaint.

Syndic's duty.

Judgments suspending an advocate, &c., by any court to be notified to secretary of section.

## SECTION EIGHTH.

## ROLL OF ADVOCATES.

**60.** The secretary of the general council, yearly, during the month of May, as far as practicable, prepares a general roll of all the advocates having a right to practise in the province. Preparation of annual roll of advocates.

1. He takes as a basis the information and details supplied to him by the treasurers of sections, the secretary-treasurers of library associations and the registers in his possession. Basis for roll.

2. The roll contains only the names of the advocates, sent by the treasurers of sections and of library associations as having paid their yearly subscriptions and arrears thereon; provided, however, that their diplomas be registered in the registers of the general council, and that they be not under the effect of any sentence of disqualification or suspension from their functions. Its contents. Proviso.

Advocates practising in a district where there is a library association cannot be entered on the roll unless they have paid their annual contribution and all arrears due to the section and the library association, and unless a certificate has been sent by the treasurers thereof. Conditions required for entry upon roll, if advocate a member of a library association.

**61.** Any advocate, whose name has been omitted from the roll for neglecting to pay all his subscriptions, may, at any time, pay the same to the proper officer; and on producing the receipts or certificates of the said officer, the secretary-treasurer of the general council gives to such advocate a certificate, under the seal of the corporation, showing that he has complied with the law and that he is entitled to practise, as if his name were on the roll. Advocate neglecting to pay in time, may on paying receive certificate to avail as if name were on list.

Provided that such advocate be not under the effect of a sentence of disqualification or suspension from his functions, such advocate may, on producing such certificate, before the prothonotary or clerk of the court, practise as if his name were on the roll. Effect of certificate.

2. Saving the right of the general council to otherwise determine the fees and fines to be paid, he shall pay a sum of one dollar as a fee to the treasurer of the section and library association, one dollar as a fee for the certificate given him by the secretary-treasurer of the general council, and five dollars for the benefit of the general council. Fees on such certificate.

3. Any member whose name is omitted, on account of a sentence suspending him from his functions, may, at the expiration of the period for which he was suspended, take out a similar certificate, for which he pays the same fees. Certificate to be obtained by member after suspension.

4. Any member whose name has been omitted through no fault on his part, may at once and without paying any fee, Certificate to be obtained by

member whose name was erroneously omitted. obtain a similar certificate on demand, without prejudice to any damage and complaint to the council to which he belongs, if such there be.

Certificates to advocates admitted after list is completed.

62. Any advocate, admitted to practice, after the making of the roll, may, by paying to the treasurer of his section the sum of four dollars, or any other sum fixed by the general council for his subscription for the current year, obtain from the secretary-treasurer of the general council, a similar certificate, free of charge.

Roll to be printed at expense of general council. To be sent to sections, &c.

63. The general secretary causes the roll of advocates to be printed at the cost of the general council, as soon as completed, and, without delay, he forwards by post a sufficient number of copies thereof, certified by him, to the secretary of each section, to be posted up by him in the usual manner and distributed to every sheriff, clerk of the Circuit Court, clerk of the Court of Appeals, judge and prothonotary of the Superior Court, clerk of the peace, district and police magistrate in the section, who shall post them up in a conspicuous place in the office of the court of which they are officers, and shall carefully preserve them.

Notice to be sent to secretaries of sections, &c., to strike names of advocates from roll struck out under act.

64. The secretary-treasurer of the general council forwards a notice, under the seal of the general corporation, to all the secretaries of sections, to be by them sent without delay to the prothonotaries and clerks above-mentioned, ordering them to strike from the roll the names of any advocates which are to be struck out under the present act.

Duties of prothonotary and clerk in such case.

It is the duty of such prothonotaries and clerks immediately to strike out the name of such advocates from the roll in their possession and to put their initials and the date opposite such name ;

Notice to be given of certain judgments.

The said prothonotaries and clerks shall also be informed of any judgment suspending an advocate from his functions, for any period less than one year, and in such case, instead of striking his name from the roll, the prothonotary or clerk makes a note thereof on the roll, with the date and his initials

Prothonotaries to refuse to recognize advocates whose names are struck.

65. The prothonotaries of the Superior Court and the clerks of all the courts in this province shall, saving the provisions of articles 61 and 62 of this act, from the moment they have been notified, refuse to recognize, as a practising advocate, any one whose name does not appear on the roll, or has been struck therefrom, or who has been suspended, and they are hereby forbidden to give or receive and produce any document asked for or offered by such advocate.

2. Any sum paid on any document whatever, bearing the signature of such advocate, must be refunded, by such prothonotary or clerk, to the party in whose name the proceeding has been taken out.

Sums to be refunded paid on papers, &c., signed by such advocates.

3. Any prothonotary or clerk, who, knowingly infringes any of the provisions of the present article, incurs for each such offense, a penalty of twenty dollars, recoverable before any court of competent jurisdiction, in any judicial district comprised within the section, and one-half thereof shall belong to the prosecutor, and the other to the section in which the court is situated of which such prothonotary or clerk is officer.

Penalty on prothonotary or clerk, infringing this article.

4. Whenever informed of any infringement of the present act, it is the duty of the syndic, in each section, to take, in the name of the corporation, legal proceedings against the prothonotary or clerk who contravenes the present article, and the penalties in the latter case, entirely belong to the corporation of the section.

Duty of syndic to take proceedings against prothonotary or clerk.

5. In case of a second offense by such prothonotary or clerk, after a first condemnation, the above-mentioned penalty is forty dollars for each infringement of the present article.

Penalty for subsequent offense.

6. In default of the payment of the said penalty within fifteen days from the rendering of the judgment, such prothonotary or clerk may be imprisoned in the common gaol of the district, for a period of time not exceeding one month, unless the penalty and all the costs are previously paid ;

Imprisonment in default of payment of fine.

In the case of a repetition of the offense, as above mentioned, the imprisonment may extend to two months.

Imprisonment for subsequent offense.

7. Every prothonotary or clerk is liable for the said penalties, in case such documents have been granted or received by his colleague, deputy, officer or employee of the office, but the imprisonment cannot be pronounced against the prothonotary or clerk, or against any one of the persons acting jointly in such quality, unless the documents have been received or granted by his colleague, deputy, officer or employee, or by an employee in the office, with his authority or to his knowledge.

Responsibility for acts of deputies or clerks. Proviso.

8. Every qualified advocate who lends his name to a disqualified advocate, or to any person who is not an advocate, in order to allow them to take legal proceedings, shall be guilty of an act contrary to the discipline of the profession and, as such, be liable to the penalties set forth in article 24 of this act.

Penalty upon advocate lending his name to a disqualified advocate.

## SECTION NINTH.

## COMPLAINTS AGAINST MEMBERS OF THE BAR.

§ 1.—*Procedure on the complaint.*

Complaints  
against mem-  
bers of the bar.

**66.** Any complaint against a member of the bar, accusing him of any breach of discipline, or of any act derogatory to the honor or dignity of the profession of advocate, or of exercising or having exercised any profession, trade or industry, or of holding any office incompatible with the dignity and honor of the profession, must be laid and heard before the council of the section to which the accused belongs.

To be under  
oath.

The complaint is made under oath, taken before the syndic of the section, or, in his default, before the secretary.

Complaint  
to be laid  
before council.

**67.** The syndic or, in his default, the secretary, immediately lays the complaint before the council, which may refuse to authorize the complaint to be proceeded with, or may by a letter, signed by the secretary, require the presence of the accused party and the complainant before the council at a fixed date ;

Hearing of  
parties.

The council may then hear both parties, if they be present, or if not, the party who appears, and, if the matter permit, may endeavor to reconcile and settle the differences between the parties ;

Power of coun-  
cil thereon.

It may also allow the complainant to proceed on his complaint, and it may also allow the party accused, to make a counter-complaint if the complainant be an advocate ; it may, while refusing to allow the right to proceed on his complaint, allow the accused to take action against the complainant ; and, in every case, require from the person authorized to prosecute a deposit with the treasurer of a certain sum to be determined by the council or the syndic as security for the costs of the opposite party.

Syndic to sub-  
mit complaint.

**68.** The syndic shall submit to the council every fact which comes to his knowledge and which may form the ground of a complaint against an advocate ; the council may call such advocate before it to be heard and authorize the syndic to summon him, in a regular manner, to answer the complaint.

Complaint by  
syndic need  
not be sworn  
to.

Declaration  
suffices.

In every case in which a complaint is brought at the instance of the syndic, it is not necessary that such complaint be sworn to ; it suffices that the facts be set forth in a declaration signed by the syndic or by the secretary

and annexed to the writ of summons. It is not necessary either, to mention that the council has authorized such proceedings

Allegation of authorization not necessary.

69. On such permission being granted, and deposit being made, if required, the syndic, or, in his absence, the secretary of the section, shall summon the accused to appear and defend himself.

After permission, and deposit if required, accused to be summoned.

2 The defendant is bound to appear and produce all his pleas within six days from the service of the complaint; the complainant has two days to answer, if necessary.

Appearance of defendant.

Plea.

So soon as the issue is joined, either of the parties may inscribe the case for *enquête*, on giving four days' notice thereof.

Inscription for *enquête*.

The *enquête* is continued from day to day.

After it has been closed on both sides, the case is inscribed for hearing on the merits by the secretary, and, in his default, by either of the interested parties.

Inscription for hearing.

3 The summons, services, examination of witnesses and the mode of proceeding at *enquête* are governed by the rules of the Code of Civil Procedure for Superior Court cases.

Rules of procedure.

4. If the defendant fails to appear or to produce his pleas within the said delay of six days, the complainant may inscribe his case for *enquête ex-parte*, by giving six days' notice thereof to the defendant

Default to appear or to plead.

*Enquête ex-parte*.

5. The defendant failing to appear or plead may, after one clear day's notice, on sufficient cause shewn, obtain from the bâtonnier or from the person appointed by the council to try the case, permission to produce his pleas.

Defendant may be allowed to plead on cause shewn.

6. The complainant and defendant may be represented by an attorney *ad litem*.

Appearance by attorney.

70. The secretary of the section, or in his default any person chosen by the bâtonnier, fulfils all the duties, and is vested with all the privileges and powers, of the prothonotary of the Superior Court for the purposes of such complaint.

Secretary of section to be vested with powers, &c., of prothonotary for such complaint.

71. Unless the council should appoint another member to act as such, the bâtonnier is, *de jure*, the judge to try the case.

Bâtonnier to try the case.

The judge trying the case has, in what concerns the hearing of the case, all the powers of the Superior Court and the powers of the judge at *enquête*, saving appeal from his decision at the time of the hearing on the merits only.

Powers of person trying case.

72. An *enquête* clerk, or, with the consent of the parties, a stenographer may be employed for the *enquête*, and the expenses occasioned thereby shall be, in the discretion of

*Enquête* clerk, and stenographer.

the council, adjudged against either of the parties at the time of the final decision.

**73.** The accused party may cross-examine the complainant on his complaint, and give his own testimony under oath.

**74.** The judge trying the case has power to swear the parties and their witnesses, to compel witnesses to attend and answer under oath, and to punish them in case of refusal by fine or imprisonment, and has, generally, for this purpose, all the other powers of the Superior Court.

**75.** It is lawful for the parties after the case has been inscribed on the merits, four days' notice of which shall be given to the parties or to their counsel, and to the members of the council, to recuse any members of the council present for the hearing, and such recusation is summarily and immediately adjudicated upon by the other members of the council ;

The syndic cannot be recused for the simple fact of his having brought the complaint and conducted the hearing of the case, nor can the bâtonnier nor any member of the council, from the fact of his being chosen to try the case as aforesaid, be recused for the fact that he has acted as judge at *enquête* or as clerk.

**76.** If judgment be not rendered at once, two days' previous notice of the day of the rendering thereof is given to the parties by the secretary.

**77.** The members of the council deliberate with closed doors ; judgment is rendered by the majority of those present, and such judgment is enregistered in the minutes ; the dissenting votes cannot, in any case, be made public, under the penalties set forth in article 24 of the present act, and under penalty of dismissal.

**78.** It is not necessary for all the members of the council who heard the case to be present at the rendering of the judgment ; but it may be rendered in presence of the majority of those members who heard the case.

**79.** No member of the council of the section or of the general council can act as counsel for any of the parties.

## § 2.—*Appeals from judgments.*

**80.** Any party aggrieved may appeal from the final judgment and at the same time from the interlocutory

judgments which may have been rendered in the case ; such appeal is brought before the general council of the bar of the province, and no judgment of a council of a section can be revised, reversed, annulled or reformed by any other means than such appeal, not even by *certiorari*.

81. Within fifteen days from the rendering of the judgment, the appellant must give notice of appeal to the opposite party, and file such notice with the return of service with the secretary of the section.

Within thirty days from the rendering of the judgment he shall deposit, with the treasurer of the council of the section which rendered the judgment, one hundred dollars as security :

1. For the payment of the expenses of the members of the general council on the appeal ;
2. For the costs of the respondent.

82. The treasurer of the section forwards without delay the deposit made on the appeal to the secretary-treasurer of the general council, to be applied to pay the expenses of the general council and the officers thereof.

If the appellant obtain judgment for his costs, the expenses of the general council form part thereof.

83. On receipt of the deposit and upon the filing of the notice within the delay specified, the secretary of the section transmits to the secretary-treasurer of the general council, the record together with the notice given by the appellant, also an extract from the registers, and a copy of all judgments and orders rendered and made in the case.

84. On receipt of the deposit and record, the secretary-treasurer of the general council immediately enters the case on the roll of appeal, and deposits in the post-office a notice, postage prepaid, of such appeal, mentioning the place, the day and hour fixed by him for the hearing ;

Such notice is addressed to the appellant, the respondent, and to all the members of the general council, who are bound to be present on the day and at the hour specified to attend such hearing, which cannot take place before the expiration of the ten days following the posting of such notice.

85. No member of the council of the section, who took part in the trial or in the judgment of the council of the section, can sit on such appeal.

Rendering judgments.

86. The judgment is rendered in the same manner, and with the same formalities as the judgment of the council of a section ; a majority of the members present is sufficient to confirm the judgment, but the concurrence of the absolute majority of the general council, qualified to sit in the case, is necessary to reverse or modify the judgment.

Adjournment in certain cases.

In the event of the majority of the members being of opinion that the judgment should be set aside or amended, and of such majority not being an absolute majority of the members of the general council competent to sit in the case, the council shall adjourn and fresh notices shall be given ; if the judgment appealed from is not set aside or amended at the second sitting by the required majority, it is considered to be confirmed, without costs.

Judgment to be confirmed in certain cases.

Power of general council on appeal.

87. The general council may either confirm the judgment appealed from, purely and simply, or render such judgment as should have been rendered by the council of the section, and, in the manner which it may deem equitable, award costs, as well in the first instance as in the appeal ;

Judgment to be final.

Such judgment is final and cannot be revoked, reversed or annulled by any other tribunal whatever, not even by *certiorari* ;

Council may allow successful party certain sum for personal costs, &c.

The council may, in giving judgment on an appeal, order that a sum adjudged by it shall be paid to the successful party by the party condemned, to indemnify him for his personal costs and expenses on the said appeal.

Record and judgment to be sent to council of section.  
To be there registered.

88. The judgment of the general council and the record are immediately returned to the secretary of the section whence the record was received ; the judgment is enregistered in the registers of the section and shall be carried into execution as the judgment of the council of the section.

### § 3.—Secretaries' fees and costs.

Tariff of fees, &c. for secretary.

89. A tariff of fees, payable to the secretary of the section and to the secretary-treasurer of the general council may be prepared by the general council and by it amended or repealed ; in the absence of such tariff, the council of the section or the general council may, by its judgment, determine such fees.

Bill of costs in appeal.  
Payment of costs, &c.

90. The secretary-treasurer of the general council forwards, with the record, a bill of costs on the appeal taxed by him ; pays to the respondent or to his attorney, if need be, his costs of appeal and expenses before the council of

the section out of the balance of the deposit in his hands, or forwards it for the said purpose to the treasurer of the section ; if the appellant succeed, the balance of the deposit is returned to him.

**91.** Should the advocate, condemned to pay the costs awarded against him, fail to pay the same, within fifteen days after final judgment in the case, it is the duty of the treasurer of the section to notify him that unless he pay the costs still due by him, within a further delay of eight days, his name shall be forwarded to the secretary-treasurer of the general council to be struck from the roll of advocates ;

Default to pay costs, &c.

After the expiry of the said delay of eight days, if the said costs have not been paid to the party or to the treasurer, the treasurer of the section, at the request of the successful party, certifies such default to the secretary-treasurer of the general council, who, in such case, strikes the name of the advocate in default from the roll.

Name to be struck from roll, if costs not paid.

Such advocate may acquire the right of resuming practice, by paying the said costs and complying with the provisions of article 61 of this act.

On payment of costs, advocate may resume practice.

**92.** If the party condemned to pay the costs does not, within one month from the judgment, pay the costs due by him to the opposite party, the latter may obtain from the Superior Court of the district an execution against the property of the party condemned, by depositing a copy of the judgment and of the taxed bills of costs certified by the proper officer.

Execution in default of payment.

The proceedings on such execution shall be had as if the judgment had been rendered by the Superior Court.

Proceedings thereon.

**93.** The general council may, by a by-law, alter and amend the preceding provisions as regards the manner of making the complaint and of the trial thereof before the council of the section ; as regards the amount to be deposited on appeal for which it may substitute security and increase or diminish the same ; and also as regards the procedure to be followed for appeals and for the matters governed by articles 70, 72, 76, 78, 83, 84, 86 and 88 of this act.

By-laws respecting complaints, costs and appeals to be made by general council.

#### § 4.—*Advocates' fees and costs.*

**94.** Advocates are entitled to fees and remuneration for their professional services.

Fees for professional services.

Amongst the professional services for which fees and remuneration may be charged are included : travelling, attendance, written and verbal consultations, and the examination of papers and documents.

What are to be considered as such.

**Interest upon costs awarded.** **95.** The costs awarded to a party or to his attorney by a judgment of a court bear interest from the date of the judgment awarding the same.

**Tariffs of fees for advocates, &c.** **96.** The general council may, from time to time, establish a tariff of fees for advocates practising before any of the courts of justice in this Province.

**Approval by chief-justices.** Such tariffs shall be forwarded to the chief-justices of the Court of Queen's Bench and of the Superior Court, to be approved by them; and they shall come into force only upon the approval of the Lieutenant-Governor in Council.

**Coming into force.**

## SECTION TENTH.

### MISCELLANEOUS PROVISIONS.

**Forms.** **97.** The forms contained in the appendix to this act are sufficient for all lawful purposes.

**Application of act.** **98.** This act shall not apply to students under indentures at the date of its coming into force, saving as to the date and manner of the examination and the cost of the diploma.

**Repealing clause.** **99.** The acts respecting the Bar of the Province of Quebec, in force at the time of the sanction of this act, are repealed, saving the cases where the provisions of this act cannot apply without giving it a retroactive effect.

**Coming into force.** **100.** This act shall come into force on the first day of September next.

## A P P E N D I X :

### FORMS.

#### NOTICE TO BE GIVEN BY CANDIDATE FOR ADMISSION TO STUDY.

Canada, }  
Province of Quebec. } Bar of the Province of Quebec.

SECTION OF

I, the undersigned \_\_\_\_\_, having my domicile at \_\_\_\_\_, residing at \_\_\_\_\_, for \_\_\_\_\_ months \_\_\_\_\_, give notice to the secretary of the Bar of \_\_\_\_\_, that I will

present myself at the next examination of the Bar to be admitted to the study of the legal profession, and declare :

1. That I am \_\_\_\_\_ years of age ;
2. That I was educated in the schools and colleges and at the places following :

That during \_\_\_\_\_ months

And I make this solemn declaration conscientiously believing the same to be true and in virtue of the statute of Canada passed in the thirty-seventh year of Her Majesty's reign intituled : " An Act for the suppression of voluntary and extra-judicial oaths."

Dated at \_\_\_\_\_

*Signature.*

Taken and acknowledged before me at \_\_\_\_\_ this  
day \_\_\_\_\_ one thousand eight  
hundred \_\_\_\_\_

*Certificate to be endorsed on each notice by the secretary.*

I, the undersigned secretary of the Bar of  
\_\_\_\_\_ hereby certify that the accompanying notice was  
received by me on the \_\_\_\_\_ day of  
with the following documents :

E. F.  
Secretary.

NOTICE AND DECLARATION BY STUDENT TO BE ADMITTED  
TO PRACTICE.

Canada, }  
Province of Quebec. } Bar of the Province of Quebec.

SECTION OF

I, the undersigned, \_\_\_\_\_, domiciled  
at \_\_\_\_\_, residing at  
for \_\_\_\_\_ months, law student, give notice to the secretary  
of the Bar of \_\_\_\_\_, that I will present myself at the  
next examination of the Bar to be admitted to the practice  
of the profession of advocate, and I solemnly declare :

1. That I am (or by the \_\_\_\_\_ next, will be) twenty-  
one years of age ;

2. That I was admitted to study law on the  
day of \_\_\_\_\_, one thousand eight hun-  
dred \_\_\_\_\_ and that my certificate of admission to study was  
registered on \_\_\_\_\_

3. That I passed a deed of indenture before  
notary public, at \_\_\_\_\_, on the  
with \_\_\_\_\_ practising advocate  
at \_\_\_\_\_

4. That I have studied regularly, without interruption  
and during ordinary office hours, under the said  
at \_\_\_\_\_, from the \_\_\_\_\_,  
until \_\_\_\_\_, and since the latter date at \_\_\_\_\_,  
until, in the same manner with \_\_\_\_\_  
practising advocates, with the consent of my previous  
patrons, and in virtue of the transfer of indentures hereunto  
annexed ;

5. That I have followed a regular law course during  
years and taken a degree of \_\_\_\_\_ in Law in the  
University at \_\_\_\_\_

6. That during the said periods, I was not absent from  
the office of my patron for more than one month, (the July  
and August vacation not being included) except during the  
following periods, and for the following reasons, namely :

With my patron's permission ;

Without my patron's permission ;

7. That during my clerkship I was employed as  
at \_\_\_\_\_ during (*or occupied*  
the office of \_\_\_\_\_ *or exercised the trade of*  
*or profession of* \_\_\_\_\_ during \_\_\_\_\_ )

8. That I am a British subject by birth (*or naturalization  
as the case may be*) as appears by the documents filed  
herewith, dated \_\_\_\_\_

And I make this solemn declaration, conscientiously  
believing the same to be true, and in virtue of the act of  
Canada, passed in the thirty-seventh year of Her Majesty's  
reign, intituled : " An act for the suppression of voluntary  
and extra-judicial oaths."

Dated at \_\_\_\_\_

*Signature.*

Declared and acknowledged )  
before me at \_\_\_\_\_ )  
the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ )

*Certificate of the secretary endorsed on notice.*

I, the undersigned, secretary of the Bar of \_\_\_\_\_,  
 certify that the present notice was forwarded to me on the \_\_\_\_\_,  
 day, of the month of \_\_\_\_\_,  
 one thousand eight hundred and \_\_\_\_\_,  
 with the following documents :

E. F.,  
 Secretary.

## PATRON'S CERTIFICATE.

Canada, }  
 Province of Quebec, } Bar of the Province of Quebec.  
 District of \_\_\_\_\_ }

I, the undersigned, advocate, domiciled and practising  
 at \_\_\_\_\_, certify that A.  
 B. \_\_\_\_\_, of \_\_\_\_\_, law student,  
 studied in \_\_\_\_\_ office, under indentures from  
 the \_\_\_\_\_ until the \_\_\_\_\_,  
 and that he accomplished his duties as such student regu-  
 larly, without interruption and during ordinary office  
 hours ;

That he was not absent, apart from the July and August  
 vacation, to my knowledge for more than one month at a  
 time except  
 for the following reasons ;  
 that for (part of) \_\_\_\_\_ these absences he  
 had the consent of \_\_\_\_\_  
 that during his clerkship he was to my knowledge, (or was  
 not) employed in business outside of his study of the pro-  
 fession as \_\_\_\_\_ (or that he has exercised the trade or  
 profession of \_\_\_\_\_, or filled the office of  
 \_\_\_\_\_ during about \_\_\_\_\_, as the case may be.)

Date \_\_\_\_\_

Signature. \_\_\_\_\_

## COMPLAINT.

Canada, }  
 Province of Quebec, } Bar of  
 District of \_\_\_\_\_ }

To the Bâtonnier and the Members of the Council of the  
 Bar of \_\_\_\_\_

A. B., Esquire, syndic elected for the section of the Bar  
 of \_\_\_\_\_, hereby informs the council of the said

Bar, that C. D., Esquire, one of the members of the said Bar, residing at \_\_\_\_\_ is accused under oath by E. F., of \_\_\_\_\_

*(This part may be omitted if the complaint is made by the syndic himself.)*

&c., &c., as follows, to wit :

That the said C. D., *(set forth the offence)*.

Therefore the said E. F. prays that an order do issue from the said Council, calling upon the said C. D. to appear before the said Council according to law and justice *(or the said A. B. awaits the orders of the Council on this complaint)*.

, Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

*(Signed,)* A. B.,  
Syndic.

SUMMONS.

Canada, }  
Province of Quebec, } Bar of  
District of . }

By the Bâtonnier and members of the council of the Bar of \_\_\_\_\_  
To C. D., of \_\_\_\_\_, Esquire, advocate, in the section of the Bar of \_\_\_\_\_ ;  
Greeting :

You are hereby required to appear in person or by attorney before us, in our chambers, in the city of \_\_\_\_\_, within four days from the service hereof ; and then and there to answer the complaint, copy whereof is hereunto annexed, made against you.

And you are hereby informed that, failing your appearance before us, and to plead on the day and at the place mentioned, you shall be proceeded against on the said complaint, by default.

Given at \_\_\_\_\_ under the seal of the said corporation of the Bar of \_\_\_\_\_, under the signature of our



been favorable to him, he, the said \_\_\_\_\_ is admitted to study the profession of advocate in the province of Quebec.

Given in the city of \_\_\_\_\_, under the signature of the Bâtonnier, under the seal of the corporation of the Bar of the Province of Quebec, and countersigned by the Secretary-Treasurer, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

(Signed,)

C. D.,  
Bâtonnier,

[L.S.]

E. F.,  
Secretary-Treasurer.

Registered the \_\_\_\_\_

DIPLOMA.

Canada, }  
Province of Quebec. } Bar of the Province of Quebec.

To all to whom these presents shall come ;

Greeting ;

We, the undersigned, Bâtonnier of the Province of Quebec ;

Seeing the report to us made by the examiners of the Bar of the said Province, that they have inquired into the habits, knowledge, capacity, and qualifications of A. B., of \_\_\_\_\_, Esquire ; that he is of good habits and is possessed of the necessary knowledge, capacity and qualifications ; that he is a British subject and that he has in every way complied with the law ;

By virtue of the powers conferred upon us by law have given and granted him, and by these presents do GIVE AND GRANT UNTO HIM THE PRESENT DIPLOMA, conferring upon him the right to practise as an ADVOCATE and ATTORNEY, before all Courts in the Province of Quebec.

Given at \_\_\_\_\_, under our signature and the seal of the Corporation of the Bar of the Province of Quebec, and countersigned by the Secretary-Treasurer thereof, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_

(Signed,)

C. D.  
Bâtonnier.

[L. S.]

E. F.  
Secretary-Treasurer.

## CERTIFICATE UNDER ARTICLES 61 AND 62.

No.

Commission No.

Canada,	}	Bar of the Province of Quebec.
Province of Quebec.		

To all to whom these presents shall come ;

Greeting :

I, the undersigned, Secretary-Treasurer of the General Council of the Bar of the Province of Quebec, by virtue of the powers upon me conferred by law, hereby certify that \_\_\_\_\_, of \_\_\_\_\_, Esquire, holds a commission as an advocate and attorney of the Province of Quebec, granting him the right to practise as such before all the Courts in this Province ; and I further certify that he has complied with all the requirements of the law in every respect ;

Therefore \_\_\_\_\_, Esquire, shall be considered, wherever it may be necessary, as if his name were on the general roll of Advocates for the year 18 \_\_\_\_\_ from this date.

Given in the city of \_\_\_\_\_, under my signature and the seal of the Corporation of the Bar of the Province of Quebec this \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

(Signed,)

L. M.

[L.S.] Secretary-Treasurer of the General Council  
of the Bar of the Province of Quebec.