

1. Section 1 of the act 42-43 Vict., chap. 39, is amended, 42-43 Vic., c. 39, s. 1, amended. by replacing the words: "lightning or wind," in the said section, by the words: "or fire and lightning or fire from lightning and by wind."

2. Section 2 of the said act is repealed. Id. c. 39, s. 2, repealed.

3. Section 9 of the said act is amended by adding there- Id. c. 39, s. 9, amended. to the following words: "if the by-law establishing the assurance, does not prohibit the insurance of such articles."

4. The present act shall come into force on the day of Act in force. its sanction

## C A P. XXVI.

An Act to permit Municipal Corporations to Capitalize their Debts.

[Assented to 30th June, 1881.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. It shall be lawful for any municipal corporation of a Municipal corporations may capitalize debts. city, town, village, parish, township or other municipal corporation to capitalize their debts, lawfully contracted by them, under by-law heretofore passed and submitted to the electors, and to stipulate the payment by annuities for a term not exceeding fifty years.

2. The interest upon the capitalized debt shall, in no case, Rate of interest thereon. exceed the rate of six per cent., per annum, and shall be payable at such times as shall be agreed upon, yearly or oftener.

3. Corporations may, by a resolution of the council, Municipal corporations may issue debentures to amount of debt issue debentures for the amount of such capitalized debt, payable at such time and in such places as shall be fixed in the said debentures.

4. It shall not be necessary to submit such by-law for the Approval by electors not required. approval of the electors.

## C A P. XXVII.

An Act respecting the Bar of the Province of Quebec.

[Assented to 30th June, 1881.]

WHEREAS it is expedient to repeal, consolidate and Preamble. amend the acts respecting the Bar of the Province

of Quebec; Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

#### INCORPORATION OF THE BAR.

- Advocates, &c. formed into corporation.** **1.** The advocates, barristers, counsel, attorneys, solicitors and proctors at law of the province of Quebec shall form a corporation under the name of: "The Bar of the province of Quebec" which, in the present act, may be called by the short title of "the general corporation."
- Name.**
- Division into sections.** **2.** The said corporation, saving the provisions of the act of this province, 32 Victoria chapter 27, is for the present divided into sections as follows, to wit: one section for each of the present sections of Montreal, Quebec, Three Rivers, and St. Francis.
- The district of Gaspé, for the purposes of the present act, shall form part of the Quebec section.
- New sections provided for.** In case new sections are formed in any of the new districts, such sections shall then form part of the corporation, which shall then be divided into as many sections as are formed.
- Each section a separate corporation.** **3.** Each of the said sections shall form a separate corporation under the name of: "the Bar of (*Montreal, Quebec, Three Rivers, St. Francis* or any other district in which new sections are formed), and shall be composed of the practising advocates domiciled in each of the said sections respectively.
- Powers of such corporations.** **4.** Each of such corporations shall possess all the powers conferred upon civil corporations by the law of this country, but none of them can acquire immovables to the value of more than fifty thousand dollars.
- Service upon such corporations.** **5.** All actions, brought against any of the said 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.
- Seal of the corporations.** **6.** Each of the said corporations shall have a common seal, with the name of the corporation inscribed thereon.

#### BY-LAWS.

- Power to pass by-laws for certain purposes.** **7.** The general corporation may make by-laws for the maintenance of honor, dignity and discipline among the members of the Bar; regulate the manner of conducting

examinations ; superintend the general roll of advocates in the province, as to the preparation, publication and amendment of the same, if need be.

8. Each of the said corporations may also make by-laws for the management of its property and generally all by-laws of general interest to the said corporation and the members thereof. Power to pass by-laws for certain purposes.

Such by laws shall come into force fifteen days after they are passed ; those of the general corporation shall be forwarded without delay by the secretary-treasurer to the secretaries of sections. Coming into force of by-laws.

9. The said by-laws must not be contrary to the provisions of this act, and those of the corporation of a section must not be contrary to the by-laws of the general council, nor to any of the subjects, mentioned in Section 75. They may all be amended or repealed. Restriction.

10. The present by-laws, not inconsistent with the provisions of this act, shall remain in force until they shall be repealed. Present by-laws.

#### COMPOSITION AND SITTINGS OF THE GENERAL COUNCIL.

11. The powers conferred upon the general corporation by this act shall be exercised by a general council, composed of the Bâtonniers and a delegate appointed annually by the councils of each section. Powers of general corporation to be exercised by general council.

12. The general council, shall yearly select from among its members, a president, who shall be known under the name of the : " Bâtonnier of the Province of Quebec " and shall select from amongst the advocates in the Province, of at least ten years' practice, a Secretary-Treasurer, who shall be a member of the council. Officers of the general council.

13. Every act, required to be performed by the Secretary-Treasurer of the General Council, may, in the event of his failing or being unable so to do, be performed by the Bâtonnier of the Province of Quebec or by such other officer appointed by the general council, as assistant to or substitute for the Secretary-Treasurer. Duties of Secretary-Treasurer may, in his absence, be performed by a substitute.

14. The members of the general council shall meet within the thirty days following the election of Councils of Sections. Meeting of general council.

The first meeting shall be held at Quebec.

Subsequent annual meetings will be held alternately at Montreal, Three Rivers, Sherbrooke, Quebec and at the Place of first meeting. Of subsequent annual meetings.

*chef lieu* of the districts, in which new sections are formed ; and special meetings may be held, at the desire of the General Bâtonnier and of the Secretary of the Council, at the place appointed by them ; the day and hour shall be indicated by the secretary-treasurer of the General Council, in the notice of the meeting.

Quorum of council.

**15.** The quorum of the General Council shall be the majority of the members of the said council ; every question submitted shall be decided by the majority of the members present.

Bâtonnier's right to vote.

**16.** The Bâtonnier of the Province, or the president, elected in his absence, shall have a right to vote and shall also have a casting vote.

Precedence.

The Bâtonnier of the Province shall take precedence over the other members of the Bar.

#### COMPOSITION OF COUNCILS OF SECTIONS.

Composition of councils of sections.

**17.** The council of each section shall be composed of a Bâtonnier, a Syndic, a Treasurer, a Secretary and of members of sections as follows : eight for the Quebec section, eight for the Montreal section, three for the Three Rivers section, three for the St. Francis section and three for each new section formed in the future : the majority of the members of each of the said councils shall form a quorum, and every question submitted to the said councils shall be decided by the majority of the votes of the members present ; the Bâtonnier, or temporary president, selected in his absence, shall have a right to vote and shall also have a casting vote.

Election of councils of sections.

**18.** The election of the council of a section shall be by ballot, by the members of the section qualified to vote, at the annual meeting held on the first juridical day of the month of May in each year. The council shall enter into office immediately.

Entry into office.

Right to vote.

**19.** The members of the Bar, qualified to vote are all those who have right to practise and who have paid to the treasurer of the section all subscriptions and arrears thereof, due either in virtue of the present or any previous act.

Subsequent meeting if election is not held.

**20.** In case an election cannot, for any cause whatsoever, be held on the day appointed, it shall take place at a meeting, specially called by the secretary or, in his absence, by the syndic, by order of the Bâtonnier in office, or on the requisition of six members of the section.

It shall be the duty of the Bâtonnier to call such meeting, in case the secretary or the syndic shall, by the fifteenth of May, not have given the required notice ; it may be called by six members of the Bar of the section, at any time after the twentieth of May. Notice of such meeting.

**21.** The failure to hold the meeting at the appointed time shall not necessarily involve the dissolution of the corporation, and the officers elected by the section or by the council, including the members of the general council, shall remain in office until they shall have been legally replaced. Failure to elect council does not dissolve corporation.

**22.** The quorum at all meetings of sections for the sections of Quebec and Montreal shall be twenty members, and for those of Three Rivers, St. Francis and the other districts, eight members. Quorum of sections.

**23.** Special meetings of sections may be held and be called by the Secretary, on the order of the Bâtonnier or on the requisition of six members of the section. Special meetings.

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

**25.** The council of each section shall have power, with regard to the members of the section : Power of councils of sections :

1. To pronounce, through the Bâtonnier, as the importance of the case may 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, of exercising or of having exercised 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, and to deprive such member of the right of voting and of the right of attending the meetings of the section, for any term whatsoever, in the discretion of the council, not exceeding five years, and may also, according to the 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 for ever of the right of practising the profession of advocate. To censure members.

In the absence of a by-law of the general council applicable to a particular case, the said council of the section shall, to the exclusion of every other court, decide definitely whether the act complained of is derogatory to the honor, dignity or discipline of the Bar, and the calling, trade or industry, business or office is inconsistent To suspend members.

Decision final.

with the dignity of the profession, subject only to appeal to the general council, as hereinafter provided.

**Costs.** 2. To condemn either party to costs or apportion the same at its discretion.

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

**Law Society may be established.** **26.** The council it may establish, organize and maintain a Law Society for the benefit of the members of the Bar and students at law, and for that purpose may pass all by-laws it may deem advisable and repeal or amend the same at pleasure; it may also appoint such officers, as may be deemed necessary, and assign to them their special duties and functions, and generally do all that it may consider to be of a nature to ensure the existence and efficiency of such society; it may also dissolve the same at pleasure.

**Officers.**

#### DUTIES AND POWERS OF OFFICERS.

**Duties of Bâtonnier.** **27.** The Bâtonnier of each section may convene special meetings of the section or of the council whenever he may deem it advisable: he shall see to the observation of the by-laws and the maintenance of order at meetings, and may call to order and reprimand those who infringe them.

**Precedence.** He shall have precedence over the other members of his section.

**Duties of secretary.** **28.** The secretary of each corporation shall record the proceedings of the meetings of the corporation and of those of the council, and shall enter minutes thereof, in a book to be kept for that purpose; he shall also be the keeper of the archives of the corporation which shall be deposited in a place of safety, to be fixed by the council.

1. He shall deliver all copies, certificates or extracts which may be required, and the copies or extracts, signed and certified by the secretary and sealed with the seal of the corporation, shall be admitted as authentic in all courts of justice in the province.

**Absence provided for.** 2. In the absence of the secretary the syndic shall fulfil his duties.

**Duties of treasurer.** **29.** The treasurer of each corporation shall keep the funds, shall pay all sums, the expenditure whereof is authorized either by the council or a committee or, in case of urgent necessity, by the Bâtonnier, and shall render an

account of his administration, to wit: the treasurer of the general council, at the first meeting of the council, which shall be held after the first of May in each year, and whenever he shall be so required by the council; the treasurers of sections, annually, at the meeting held for the election of the council, and whenever they shall be so required by the council.

The account, so rendered, shall include a statement showing the amount of money deposited in the bank to the credit of the corporation, and shall mention all the cheques drawn on the bank, and all disbursements, and shall be accompanied by vouchers.

In the absence of the treasurer the syndic shall fulfil his duties.

Absence of  
treasurer pro-  
vided for.

**30.** All monies belonging to corporations of sections shall be deposited in the name of the corporation, without delay, in a bank designated by the section and, until such designation be made, in any incorporated bank in Canada; no amount exceeding fifty dollars can be withdrawn except by means of a cheque, signed by the treasurer, and countersigned by the Bâtonnier; for every sum less than fifty dollars, the signature of the treasurer alone shall be sufficient.

Deposit of  
funds.

Payment of  
moneys.

**31.** Councils of sections may appoint, every year, a committee of not less than five members of the section, whose duty it shall be to superintend the library belonging to the said section, which shall be under its control, and under the direction of the council, to purchase books for the library and regulate the expenditure in connection therewith.

Library com-  
mittee.

The said council shall yearly appoint, auditors to examine the accounts, and it may also appoint finance and such other committees, which it may deem advisable to appoint, and to which it may delegate such powers as it pleases.

Auditors.

**32.** In case of absence, illness, death, dismissal or refusal to act of any of the officers of the general council, or of the council of any section, his place shall be filled, temporarily or permanently, according to circumstances, by the council to which he belongs.

Temporary  
replacement  
of officers.

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

**33.** The examination of candidates for the study and practice of the profession shall be under the control of the general council.

General coun-  
cil controls  
examinations.

When held.

1. The examinations shall take place, twice in each year, on the second Wednesday of the months of January and July; such examinations shall afterwards be continued, from day to day, or they may be adjourned for a period of time not exceeding eight days, on the decision of two-thirds of the examiners present.

First and subsequent examinations where held.

2. The first of such examinations, to take place after the passing of the present act, shall be held in the city of Quebec, and afterwards at Three Rivers, Montreal, Sherbrooke, and the *chef lieu* of the districts in which new sections are formed, and this order shall be continued from year to year, alternately, in each of the said sections.

Appointment of examiners.

3. The council of each section shall, within the eight days following the election of its members, appoint from among the members of the said section four examiners who may, at any time, be replaced by the council of their section, if need be.

Division into two boards.

4. The examiners may divide themselves into two boards of examiners, one for admission to practice and the other for admission to study; they shall be chosen, as far as possible, in equal numbers from each section, and their quorum shall be five; the candidate shall only be admitted by the majority of the votes of the board and, in case the votes are equally divided, he shall not be admitted.

Quorum.

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

Appointment of persons to act as examiners.

34. The general council may appoint persons, selected 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 pass regulations, to determine their duties and salaries.

Expenses of examiners.

35. The expenses of the examiners for travelling and board, shall be paid them by the general council, at the rate of five dollars *per diem*.

Secretary of examiners.

36. The secretary-treasurer of the general council shall *ipso facto*, be, the secretary of the examiners, and it shall be his duty to attend the examinations and give assistance to the examiners; his expenses shall also be paid.

Notice given to examiners.

37. The secretary-treasurer of the general council shall, before each examination, require by letter the examiners to prepare the examination questions.

Notice by candidate for examinations.

38. Notice, in writing, shall be given by the candidate, at least one month before hand, to the secretary of the section in which he resides, or in which he has resided during the past six months; this notice shall contain the following information, to wit:

What to contain.



1. The candidate for admission to study shall mention his name, surname, age and residence, the schools and colleges and places in which he has been 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 in detail.

2. The candidate for admission to practice shall mention his name, surname, age, residence, the date of his admission to study, the various places in which he has 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, the cause of each of such absences, whether such absences were authorized by his patron, how long they lasted and the reasons therefor ; 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 profession, business, office or employment ; he shall, at the same time, hand in a certificate from his patron respecting the period of time during which he studied under him ; the certificate shall also declare whether, during his clerkship, he has exercised any profession, been engaged in any business or filled any office outside of his legal studies ; whether he has fulfilled his duties as a student faithfully and diligently.

These declarations of the student shall be made in accordance with the statute of Canada, passed in the thirty-seventh year of Her Majesty's reign, chapter 37, intituled : Declarations under 37 Vic. of cap. 37.  
 " An act for the suppression of voluntary and extra-judicial oaths."

39. The secretaries of sections shall 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* ; this list shall contain 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. List of candidates for examination. What to contain.

40. In giving the said 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. Fees on notice.

Return of portion of such fees in certain cases.

In the event of the candidates not being admitted to study or to practice, such amount shall be returned to them, less the sum of ten dollars, mentioned in section 99 of this act.

Notices to be forwarded to general secretary.

41. It shall be the duty of the secretary of each section to forward *instantly* to the general secretary the notices he has received from the candidates and all papers and documents which may accompany them; and it shall be the duty of the treasurer of each section to forward immediately to the general secretary-treasurer a sum of ten dollars, out of each deposit which he shall have received as aforesaid, to meet the expenses of the examination and those of the general council.

Candidates not to be examined unless fees are paid.

42. No one shall be allowed to present himself for examination unless he has paid in the amounts above mentioned.

Requisites for admission to study.

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

Requisites for admission to practice.

44. No one shall be admitted to practice profession, of advocate, unless he has attained the 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; nevertheless, a student, who shall have followed, during two years, a regular course of lectures on Law in a University or College of this Province, in which such a course of lectures on Law is established, may be admitted after having studied for four years, and he, who shall have followed such course of lectures during three years and taken a degree in Law at such University or College, may be admitted, after three years study.

Report to lieut. governor by certain colleges.

2. The Lieutenant Governor may, from time to time, require from all universities or incorporated colleges, in which it is claimed that such course of law is established, a report showing, at length, the curriculum of such course of law, and he may, by order in council, published in the *Quebec Official Gazette*, declare that he approves it, if it be deemed sufficient or he may prescribe such other curriculum, as he thinks proper; and no diploma or degree in law shall avail, under the present section, unless it be

granted in accordance with the requirements of such order in council.

**45.** 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 them, until the expiration of their clerkship. Time when students may come up for examination.

**46.** 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 in the laws of the province of Quebec, to the satisfaction of the examiners, obtain from the general Bâtonnier, a diploma authorizing him to practise as an advocate all courts of justice in the province of Quebec. Admission of Barristers of others provinces to practise in province.

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 in which he intends to reside, and pay a sum of one hundred and twenty dollars, or such other and further sum, which may be exacted in the province in which such Barrister resides; the treasurer of the section shall forward twenty dollars out of this amount to the secretary-treasurer of the general council. Notice required.

1. The power granted by this section shall extend only to the Barristers of the province, in which the same privilege is granted to advocates of the province of Quebec. Restriction.

2. 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 this province, shall have the right to appear and act as an advocate before all the courts of this province, having criminal or correctional jurisdiction. Right of Barristers of certain other provinces to plead in criminal courts.

**47.** It shall be the duty of the examiners to inquire into the morals, knowledge, capacity and qualifications of candidates and, for such purpose, they shall have the right to summon and examine under oath, to be administered by one of them, the candidate or any other person, and to put to them any question, pertinent to the inquiry; and such examiners or the majority of them shall have the same powers as the Superior Court to compel the witnesses to appear and to answer, under oath, in the manner and under the penalties prescribed by the code of civil procedure of this province. Duties of examiners.

No proceeding or decision of the said examiners nor any proceedings adopted by them or done before them in the Decision of examiners

final and with- course of the examinations, shall be liable to be attacked,  
out appeal. annulled or quashed in any manner whatsoever, not even  
Not subject to by *certiorari*, but all their decisions shall be final and  
*certiorari*. without appeal.

Examiners to 48. On a report in writing from the proper board,  
report to Bâ- if two boards have been established as above men-  
tonnier in cer- tioned, it shall be the duty of the examiners to report  
tain cases. in writing to the Bâtonnier of the province of Quebec : if  
the report be favorable and establish that the candidate  
bears a good character, that he has the necessary capacity,  
knowledge and qualifications, and that he has fully com-  
plied with the law, the Bâtonnier of the province shall  
Certificates of grant to the candidate for admission to study, a certificate  
admission to of admission to study, and to the candidate for admission  
study and di- to practice, a diploma of admission to the bar of the pro-  
ploma to be vince.  
given by the Bâtonnier.

Rights con- 49. The said diploma shall confer upon him the right  
ferred by di- to practise as an advocate, in all courts of justice of the  
ploma. province of Quebec, on the said candidate having pre-  
viously taken an oath, well and faithfully to discharge his  
professional duties : the said oath shall be administered by  
the secretary-treasurer of the general council who shall  
certify the fact on the diploma.

Certificates 50. The said certificate and diploma shall be signed by  
and diploma the Bâtonnier of the province, countersigned by the secre-  
how signed tary-treasurer, and shall bear the seal of the general cor-  
and sealed, &c. poration ; they shall be enregistered in full in the registers  
of the council, on payment to the secretary-treasurer of  
five dollars, of which three dollars shall belong to the  
council, and two dollars to the secretary-treasurer of such  
council, as a fee.

Duties of 51. It shall be the duty of the secretary-treasurer of the  
secretary- general council to forward, without delay, to the secretary  
treasurer when of each section to which the candidates respectively belong,  
candidates are the names and surnames, age and residence of the persons  
admitted. admitted to study or practise the profession and the  
date of their admission.

Registration of 52. The secretaries of sections shall enregister in a book,  
notices re- kept for that purpose, the notice so received by them.

#### QUALIFICATION AND DISQUALIFICATION OF ADVOCATES.

Advocates dis- 52. No advocate shall practise in any of the courts of jus-  
qualified in tice of the province, and all proceedings taken by him shall  
certain cases. be absolutely null and void, in the following cases :

1. If he has 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 chap. 21 of the Statutes of Canada, 32-33 Victoria. If found guilty of felony, &c.

2. If his name be not inscribed on the general roll of advocates of the province. If his name is not on general roll.

3. If he has been suspended from his functions by a court of justice or by the council of his section or the general council. If he has been suspended.

**53.** The clerk of any court of justice, having criminal jurisdiction in the province, before which a trial of a member of the bar 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 shall forward to the said secretary a copy of the entry of such sentence in the registers of the court. Duties of clerks of courts of criminal jurisdiction in certain cases.

1. If the offence be one of those mentioned in the first sub-section of section 52, 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 of advocates. Duty of secretary-treasurer if offence be felony, &c.

2. If the offence constitute a misdemeanor, other than those above mentioned, it shall be the duty of the secretary to inform the syndic, who shall immediately lay the said documents before the council of the section; it shall be the duty of such syndic to proceed, on such documents, as on an ordinary complaint. If offence be a misdemeanor, &c.

3. Every judgment of the Circuit Court, of the Superior Court or of a Court of Appeal in Canada, having jurisdiction over the affairs of the 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 clerk or prothonotary of the said court and the provisions of sub-section two of the present section shall apply to such advocate. Certain judgments to be transmitted to secretaries of sections.

#### GENERAL ROLL OF ADVOCATES.

**54.** The secretary of the general council shall yearly during the month of May prepare a general roll of all the advocates having a right to practise in the province. General roll to be prepared annually.

Basis.

1. He shall take as a basis the information and details supplied to him by the treasurers of sections, of libraries and the registers in his possession.

What names  
included  
therein.

2. The roll shall contain only the names of the advocates, sent by the treasurers of sections, as having paid their yearly subscriptions and all arrears of such subscriptions, provided, however, that their diplomas be enregistered 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.

Names of those  
omitted for  
non-payment  
may be entered  
and how.

55. Any advocate, whose name has been omitted from the roll for neglecting to pay all his subscriptions, may, at any time, pay those due to his section to the treasurer or, in his absence, to the secretary; and, on producing the receipts of the said officer, the treasurer or, in his absence, the secretary of the section, or the secretary-treasurer of the general council shall give to such advocate a certificate, under the seal of the corporation which he represents, showing that he has complied with the law and that he is entitled to practise, as if his name were on the roll of advocates, 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 clerk or prothonotary of the Courts, practise as if his name were on the roll.

Fee on entry.

1. He shall pay a sum of one dollar as a fee to the officer who grants him such certificate, one dollar as a fee to the secretary-treasurer of the general council, and five dollars for the benefit of the treasurer of the general council.

Name omitted  
on account of  
suspension  
how entered.

2. 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 such certificate, for which he shall pay the said secretary and secretary-treasurer's fees.

Member ad-  
mitted after  
roll is made.

56. Any member, admitted to practise, after the making of the table, may, by paying the sum of four dollars for his subscription for the current year to the treasurer of his section, obtain from him or the secretary-treasurer of the general council, a similar certificate, free of charge; and, upon notice from the treasurer of the section, the secretary-treasurer of the general council shall enter the name of such member on the roll;

Name erro-  
neously omit-  
ted.

Any person, whose name has been erroneously omitted from the roll, shall obtain a similar certificate, *gratis*, on demand; without prejudice to any recourse in damages, or to complaint to the council to whom it appertains, if need there be.

**57.** The general secretary shall cause the roll of advocates to be printed at the cost of the general council, as soon as completed, and he shall forward five copies thereof, by post, without delay, duly certified by him to the secretary of each section, to be posted up by him as he deems fit, and one certified copy to every sheriff, clerk of the Circuit Court, clerk of the Court of Appeals, prothonotary of the Superior Court, clerk of the peace, district and police magistrate in this province, 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.

Roll to be printed by general council, and copies to be sent to secretaries of sections, &c.

**58.** The secretary-treasurer of the general council shall forward a notice, under the seal of the general corporation, to all the prothonotaries and clerks above mentioned, ordering them to strike from the roll the names of any advocates which he may have struck out, under any of the provisions of the present act, and it shall be the duty of such prothonotaries and clerks immediately to strike out the name of such advocate from the roll in their possession and to put their initials and the date opposite such name; the secretary treasurer of the general council shall likewise give notice to the said clerks and prothonotaries, 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 clerk or prothonotary, makes a note thereof on the roll, with the date and his initials.

Notice to officers of courts to strike names from roll in certain cases.

Notice of suspension.

**59.** The prothonotaries of the Superior Court and the clerks of all the courts of justice in this province shall, 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, saving the provisions of sections 55 and 56 of the present act, and they are hereby forbidden to give or receive and produce any document asked for or offered by any such advocate.

Officers of courts cannot receive papers from advocates whose names are struck from roll.

**1.** 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.

Amounts paid by such advocates to be returned to parties.

**2.** Any prothonotary or clerk who, knowingly infringes any of the provisions of the present section, shall incur, for each such offence, a penalty of twenty dollars, recoverable in any court of justice of competent jurisdiction, in any judicial district comprised within the section,

Penalty on officers of courts infringing such provision.

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.

Suits for such penalties.

3. It shall be the duty of the syndic, in each section, whenever informed of any infringement of the present law, to take, in the name of the corporation, legal proceedings against the clerk or prothonotary who shall contravene the present section, and the penalties, in the latter case, shall entirely belong to the said corporation of the section.

Penalty for second offence.

4. In case of a second offence by such prothonotary or clerk, after a first condemnation, the above penalty shall be forty dollars for each infringement of the present section.

Coercive imprisonment in default of payment.

5. In default of the payment of the said penalty, within fifteen days from the rendering of the judgment, such clerk or prothonotary may be imprisoned in the common gaol of the district, for a period of time not exceeding one month, unless the said penalty and all the costs are previously paid; in the case of a repetition of the offence, as above mentioned, the imprisonment may extend to two months.

Responsibility of prothonotaries in certain cases.

6. Every prothonotary or clerk shall be responsible for the said penalties, in case such documents shall have been granted or received by his deputy, officer or employee, 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 said documents have been received or granted by his deputy, officer or employee, or by an employee in the office, with his authority and to his knowledge.

Penalty upon qualified advocate lending his name to one who is disqualified.

7. Every qualified advocate who shall lend 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 and honor of the profession and, as such, be liable to the penalties set forth in section 25 of this act.

#### ANNUAL SUBSCRIPTION OF MEMBERS.

Annual subscription.

60. Every member of the profession shall pay annually in advance, before the holding of the meeting for the annual elections, into the hands of the treasurer of the section, the sum of six dollars, which is paid in to the credit of the section, if he reside, or has his office at the *chef-lieu* of the section, and 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.

The councils of sections are hereby authorized to <sup>May be in-</sup>increase the said subscription, if they deem it advisable, <sup>creased.</sup> except for the members of library associations, and to impose such condition thereon as they may see fit.

**61.** Every member, ceasing to practise the profession of <sup>Notice by</sup> advocate, may relieve himself from the payment of such <sup>member ceas-</sup>subscription, during all the time that he shall so cease <sup>ing to practise.</sup> practising, by previously paying all arrears, due by him, and by informing the secretary-treasurer of the general council, in writing, of his intention to cease practising; and it shall be the duty of the secretary-treasurer to erase his name from the roll at the date fixed in the notice; if, after the date fixed in such notice as the date on which he shall cease practising, such advocate shall perform any act of procedure, he shall remain subject to the provisions of the present act, as if such notice had not been given.

**62.** Such advocate may resume the practise of his pro- <sup>Formalities</sup>fession by giving notice thereof to the secretary of his <sup>required to re-</sup>section. Upon receipt of the said notice, the secretary <sup>sume practise.</sup> of the section shall inform the general secretary thereof, who shall replace his name on the roll, on production of the receipt from the treasurer of his section, if need be, for the payment of his subscription for the current year, and he shall be entitled to the certificate mentioned in section 55 of the present act.

If any objection is made to him on account of the <sup>Objection</sup>occupation he may have followed in the interval, it shall <sup>thereto.</sup> be submitted to the council of the section, who may, after hearing the parties, refuse to allow such person to practise his profession, stating in the judgment the reasons therefor. From such decision an appeal lies to the general council.

**63.** Every treasurer of a section shall forward annually, <sup>List to be for-</sup>between the fifteenth and twentieth days of May, to the <sup>warded by</sup>secretary-treasurer of the general council, a list of all the <sup>secretary of</sup>advocates in his section, who shall have then paid all their <sup>sections to</sup>subscriptions and dues, for the current and previous years. <sup>secretary-</sup>  
<sup>treasurer of</sup>  
<sup>general coun-</sup>  
<sup>cil.</sup>

1. He shall annex a special list of advocates who, owing <sup>Special list in</sup>to the establishment of a library association, in the judicial <sup>certain cases.</sup>district in which they reside, have only paid the annual subscription which the members of such association are obliged to pay.

2. He shall likewise forward, without delay, the names <sup>List of those</sup>of any persons who, since the general list forwarded by <sup>who paid ar-</sup>him, have paid up their arrears and subscriptions due to <sup>rears, &c., to</sup>be also for-  
<sup>warded.</sup>

the section, and the names of all persons which he may have erroneously sent or omitted.

#### COMPLAINTS AGAINST MEMBERS OF THE BAR.

**Complaints.** **64.** 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.

**Must be under oath.** This complaint shall be made under oath, taken before the syndic of the section, or, in his absence, before the secretary.

**Proceedure on such complaint.** **65.** The syndic or, in his default, the secretary, shall immediately lay 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; the council may then hear both parties, if they be present, or if not the party who appears, and, if the matter permits, may endeavor to reconcile and settle the differences between the parties; 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 complainant the right to proceed on his complaint, allow the accused to take action against the complainant; it may also, in every case, require from the person authorized to prosecute a deposit with the treasurer of a certain sum as security for the costs of the opposite party.

**Party to be summoned.** **66.** On such permission being granted, and deposit being made, if required, the party authorized shall submit his complaint, sworn to before the syndic, who shall summon the accused to appear and defend himself.

**Duty of defendant.** **1.** The defendant shall be bound to appear and produce all his pleas within four days from the service of the complaint; the complainant shall have two days to answer, and the defendant two days to reply, if necessary; so soon as the issue is joined, either of the parties may inscribe the case for *enquête*, on giving four days' notice thereof; the *enquête* shall be continued from day to day; after it has been closed on both sides, the case shall be inscribed for hearing on the merits by the secretary, who shall give at

least four days' notice thereof to the parties and to the members of the council, by a bailiff.

2. The summons, services, examination of witnesses and the mode of proceeding at *enquête* shall be governed by the rules of the code of civil procedure of the province of Quebec, for Superior Court cases. Code of civil procedure be apply.

3. If the defendant fails to appear or to produce his pleas, within the said delay of four days, the complainant may inscribe his cases for *enquête, ex parte*, by giving four days' notice thereof to the defendant. Proceeding ex parte.

4. 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 plea. Defendant may file plea, on cause shewn.

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

67. The secretary of the section, or in his default, any person chosen by the bâtonnier, shall fulfil 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 has powers of prothonotary of Superior Court

68. The bâtonnier shall be, *de jure*, the judge to try the case, unless the council should appoint another member to act as such. Bâtonnier judge to try case.

He shall possess all the powers of the Superior Court in what concerns the hearing of the case, and the powers of the judge at *enquête*, saving appeal from his decision at the time of the hearing on the merits only. His powers.

69. The *enquête* clerk, or stenographer, if the parties consent to the employment of a stenographer, shall be paid by the party employing him, at the rate of ten cents per hundred words. Payment of writer or stenographer.

70. The accused party may cross-examine the complainant on his complaint, and give his own testimony under oath in the case. Complainant may be cross-examined and party accused examined.

71. The person trying the case, shall have power to swear the parties and their witnesses and all the other powers of the Superior Court, under the code of civil procedure of this province, to compel witnesses to attend and answer under oath, and to punish them in case of refusal by fine or imprisonment. Swearing of witnesses.

Recusation of  
members of  
council.

**72.** After the case has been inscribed on the merits, it shall be lawful for the parties to recuse any members of the council present for the hearing, and such recusation shall be summarily and immediately adjudicated upon by the other members of the council ; the syndic can not 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, chosen to try the case as aforesaid, be recused for the fact that he has acted as judge at *enquête*.

Notice of  
judgment if  
not pronoun-  
ced at once.

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

Council deli-  
berate pri-  
vately.

**74.** The members of the council shall deliberate with closed doors ; judgment is rendered by the majority of those present and such judgement is enregistered in the minutes ; the dissenting votes cannot be made public in any case.

Who may ren-  
der judgment.

**75.** It shall not be necessary that all the members of the council who have heard the case be present at the rendering of the judgment : but it may be rendered in presence of the majority of those members who have heard the case.

Members of  
council cannot  
act as attorney  
for the parties

**76.** No member of the council of the section or of the general council shall act as counsel for any of the parties to a complaint.

Appeal to  
general coun-  
cil.

**77.** 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 ; the said appeal shall be brought before the general council of the Bar of the province, and no judgment of a council of a section shall be revised, reversed, annulled or reformed by any other means than such appeal, not even by *certiorari*.

Notice of  
appeal.

**78.** The appellant shall give notice of appeal to the opposite party, and file such notice with the return of service with the secretary of the section, within fifteen days from the rendering of the judgment, and he shall, within thirty days from the rendering of the same deposit with the treasurer of the council of the section which rendered the judgment, one hundred dollars as security :

Security  
required.

1. For the payment of the expenses of the general council on the appeal ;

2. For the costs of the respondent.

**79.** The treasurer of the section shall immediately forward the said deposit to the secretary treasurer of the general council, to be applied to pay the expenses of the general council and of the members thereof. If the appellant obtains judgment for his costs against the respondent, he shall have the right to include that portion of the deposit absorbed by the costs of the general council.

Deposit to be forwarded to secretary-treasurer of general council.

**80.** On receipt of the said deposit within the delay specified, the secretary of the section shall transmit, to the secretary treasurer of the general council, the record together with the deposit and 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;

Record, deposit and notice to be forwarded to general council.

**81.** On receipt of the deposit and record, the secretary treasurer of the general council shall immediately enter the case on the roll of appeal and shall deposit in the post office a notice, postage prepaid, of such appeal, mentioning the place where the council shall sit, in accordance with section 41, as well as the day and hour fixed by him for the hearing; the said notice shall be addressed to the appellant, the respondent, and to all the members of the general council, who shall be bound to be present on the day and at the hour specified to attend such hearing; the hearing cannot take place before the expiration of the fifteen days following the posting of such notice.

Case to be entered on appeal roll, on receipt of record, &c.

Notice of such appeal.

Delay for hearing.

**82.** No member of the council of the section, who took part in the trial or in the judgment of the section, shall sit on such appeal.

Certain members not to sit in appeal.

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

Judgments how rendered.

**84.** 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 award costs, as well on the principal action as on the appeal, in the manner which it may deem equitable; and in case of a judgment suspending the accused it shall fix the date at which such suspension shall commence, and how long it shall last, and such judgment shall be final and cannot be evoked, reversed or annulled by any other tribunal whatever, not even by *certiorari*; it

Power of general 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.

Judgment and record to be returned to secretary of section.

**85.** The judgment of the general council and the record shall be immediately returned to the secretary of the section whence the record has been received, and the judgment shall be enregistered in the registers of the section and shall be carried into execution as the judgment of the council of the section.

Tariff of fees may be prepared.

**86.** A tariff of fees, payable to the secretary-treasurer 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.

Bill of costs on appeal.

**87.** The secretary-treasurer of the general council shall forward with the record, a bill of costs on the appeal taxed by him; he shall pay 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 made in his hands, or he shall forward it for the said purpose to the treasurer of the section; if the appellant succeed, the balance of the deposit shall be returned to him.

Advocate may be struck from roll if costs not paid.

**88.** 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 shall be 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; and at the expiry of the said delay of eight days, if the said costs, together with one dollar for the said notice, shall not have been paid to the party or to the treasurer, the treasurer and bâtonnier of the section, on the declaration in writing of the successful party, shall certify such default to the secretary-treasurer of the general council, who, in such case, shall strike the name of the advocate in default from the roll of advocates.

May resume practice on certain conditions.

Such advocate may acquire the right of resuming practice, by paying the said costs and complying with the provisions of section 55 of this act.

#### LIBRARY ASSOCIATIONS.

Library associations.

**89.** Every library association established at a *chef-lieu* of a judicial district, is hereby maintained, and one may be established in any judicial district in which none as yet exists.

**90.** When at least two thirds of the advocates in one of such districts shall have signed a declaration in triplicate, setting forth that they form themselves into an association to acquire and own a library for their own and the judges' use in the said district, and one of such triplicates has been deposited in the hands of the secretary of the section, another in the office of the prothonotary of the Superior Court for the said district, the third being kept by the association itself, all the advocates residing in the said district, or who may hereafter reside therein, shall constitute a civil corporation for the said purposes under the name of "The Library Association of *(adding the name of the district)*"; which shall possess all the powers and rights granted to corporations by the laws of this country and may, moreover, possess immovables to the value of ten thousand dollars.

Proceedings to establish library associations.

**91.** The affairs of the association shall be administered by a committee of management, composed of a president, a secretary-treasurer and three other members. All questions submitted to the committee shall be decided by the majority of the members present, including the president who shall, moreover, have a casting vote.

Management of affairs of library associations.

Three members of the committee shall form a quorum. The powers and duties of the said officers shall, for the purposes of the association, be the same as those of the corresponding officers of councils of sections.

Quorum of committee. Duties of officers.

**92.** The first general meeting, for the election or choice of the committee, shall be presided over by the senior advocate present, who shall have a right to vote and shall, moreover, have a casting vote; all other subsequent meetings shall be presided over by the president, or in his absence by a member appointed by the meeting.

Chairman at first meeting. Subsequent meetings.

**93.** Such first general meeting shall be held at the court house of the district, on the first Monday of the month immediately following the formation of the association; or if such Monday be a non-judicial day, then on the following day; if the election does not place on the day fixed, it may then be held at any other meeting, specially called by three members of the association; the quorum of every meeting shall consist of the absolute majority of the members of the association, qualified to vote.

First general meeting when and where held.

All members who have complied with section 95 of this act shall be qualified to vote.

Right to vote.

**94.** The committee of management may pass the by-laws which it may deem necessary for the purchase, keeping,

By-laws may be passed.

administration and management of the library and other property.

Payment to  
associations.

**95.** 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 the sum of five dollars.

Bar fees to be  
paid after  
establishment  
of library.

**96.** After the establishment of the said association, the members of the Bar, forming part of the said association shall pay to the treasurer of the section an annual sum of five dollars only.

List of mem-  
bers to be for-  
warded to  
treasurer of  
section.

**97.** It shall be 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 said association from the establishment of the said association up to the time of sending in the said list; he shall send a similar one, to the secretary-treasurer of the general council, on the fifteenth day of May in each year.

#### GENERAL PROVISIONS.

Proceedings to  
establish sec-  
tions.

**98.** Whenever the members of the bar, duly qualified to practise and practising in any new district, exceed fifteen, it shall be lawful for them to constitute themselves into a section of the bar in and for such district, and such corporation shall be formed as follows: a petition shall be signed by at least fifteen of the members of the bar of such district and transmitted to the lieutenant-governor in council who shall issue a proclamation constituting such corporation.

From and after the date of such proclamation the members of the bar of such district shall constitute, under the name of "the Bar of (adding the name of the district) a separate section of the bar and all the provisions of this act respecting section shall apply to such sections.

First election.

The first election in any such section shall be held within the three months next after the date of the proclamation, at a meeting to be held in the Court House of the district of the section for which such election takes place; which meeting shall be convened by at least five members of the bar, practising within the limits of the section by notice sent to each member of the bar practising in the district by registered letter at least fifteen days before such meeting, and also, by a notice posted, at the Court House in which such meeting is to be held, at least eight days before such meeting.



After the formation of such section, the members of the bar of the district in which such section shall be so formed, shall cease to form part of the corporation of the section, of which they were formerly members; but the rights and powers of the old sections shall not in any manner be affected by such change, and the new section shall have all the rights and powers conferred and be subjected to all the obligations imposed by this act upon all the sections of the bar.

Effect of forming such sections.

**99.** 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 fees collected by the general council as aforesaid, are not sufficient to defray the examination and other expenses of the general council, it shall be lawful for the general council to apportion between the different sections any sum which may be required to cover the said expenses.

Expenses of general council may be apportioned upon sections in certain cases.

1. This apportionment shall be made by taking as a basis the number of candidates, who have paid fees for admission to study and practice, in each section, at the last examinations.

Basis of such apportionment

2. Nevertheless the council may, if it deem it advisable, by the vote of a two-thirds majority of the members present adopt a different basis of apportionment.

Proviso.

3. It shall be the duty of the treasurer of each section to deposit immediately with the secretary-treasurer of the general council the amount apportioned on his section, so soon as he shall have received a certified copy of such apportionment; in default of the payment thereof, within one month, it shall be lawful for the general council to deprive such section of the right of being represented in the general council and at the examinations, during the time it shall so remain in default; and, in such case, the general council shall complete the number of examiners, by appointing from amongst the advocates of the other sections as many examiners as had been appointed for the section in default; and the composition of the general council shall be reduced to the members of the other sections, a majority of whom shall form the absolute majority of the general council, until the section in default has complied with the regulations by paying its share as above mentioned.

Duty of treasurer of sections after receipt of notice of amount to be paid. If amount is not paid.

Completion of number of examiners from other sections.

Number of general council reduced

**100.** Notaries shall be entitled to make use of the library of the section in which they reside, on the same conditions as advocates, by paying in advance an annual contribution of four dollars.

Notaries permitted to use libraries on certain conditions.

Forms sufficient.

**101.** The forms contained in the appendix to this act shall be sufficient for all legal purposes.

#### SPECIAL PROVISIONS.

Certain acts repealed in certain cases.

**102.** The laws in force at the time of the passing of this act are repealed in the following cases :

1. Whenever such laws are contrary to or inconsistent with any provisions of this act ;

2. Whenever this act contains an express provision on the particular subject of such law, saving the rights acquired previous to the passing of this act, and the cases where the provisions of this act cannot be applied without giving them a retroactive effect ;

Limitation of act.

**103.** This act shall not apply to students under indenture, at the time of the sanction thereof, except with respect to the manner in which the examinations shall be conducted.

Act in force.

**104.** This act shall come into force on the first day of August next, when the duties of the examiners appointed in the month of May of the present year, shall cease.

Council of sections to appoint delegates and examiners.

During the two months immediately following the day upon which this act shall come into force, the council of each section shall appoint its delegate and examiners as provided by this act.

#### APPENDIX.

#### FORMS.

##### NOTICE BY CANDIDATES FOR ADMISSION TO STUDY.

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

The undersigned  
domicile at \_\_\_\_\_, having his  
for \_\_\_\_\_ months \_\_\_\_\_, residing at \_\_\_\_\_,  
secretary of the Bar of \_\_\_\_\_, gives notice to the  
present himself at the next examination of the Bar to be  
admitted to the study of the legal profession, and declares ;

1. That he is \_\_\_\_\_ years of age ;
2. That he was educated in the schools and colleges and at the places following : (*give the names, date and time passed in each school or college.*)
3. That during \_\_\_\_\_ months (*mention in detail, giving date, whether he held any office, or followed any trade, industry, business or employment whatever.*)

Date,

Signature.

*Certificate endorsed on notice.*

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

E. F.  
Secretary

NOTICE AND DECLARATION BY STUDENT TO BE ADMITTED  
TO PRACTISE.

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

I, the undersigned, \_\_\_\_\_, domiciled  
at \_\_\_\_\_, residing at \_\_\_\_\_  
for \_\_\_\_\_, 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 eleventh of July 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 \_\_\_\_\_ ;

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

4. That I have studied under the said  
at \_\_\_\_\_, from the \_\_\_\_\_ ; until \_\_\_\_\_

regularly and during ordinary office hours ; and since the  
latter date at , until, in the same manner  
with practising advocates;

5. That I have followed the law course during  
years and taken a degree in Law in the University  
at ;

6. That during the said periods, I was not absent from  
the office of my patrons for more than one month, except  
during the following periods, and for the following  
reasons (the July and August vacation not being included)  
namely with my patron's permission :  
without my patron's permission :

7. That during my clerkship I (state whether or  
not he exercised any trade or profession, held an office or po-  
sition outside of the office of his patron, with or without their  
consent, what they were and for how long)

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.

Date

Signature,

*Certificate 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

Secretary.

#### PATRON'S CERTIFICATE.

Canada	}	Bar of the Province of Quebec.
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 regularly accomplished his duties as such  
student :

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  
 profession (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.

---

CERTIFICATE OF ADMISSION TO STUDY.

*Bar of the Province of Quebec.*

The Bâtonnier of the Bar of the Province of Quebec  
 hereby certifies that  
 candidate for admission to study the profession of advocate,  
 in the Province of Quebec, having been duly examined  
 according to law, on his knowledge, capacity and habits,  
 and the report of the examiners having been favorable to  
 him, he, the said                      is admitted to study the  
 said profession.

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

Bâtonnier,  
 Secretary-Treasurer.

---

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.

Esquire, of \_\_\_\_\_; that he is of good habits, and is possessed of the necessary knowledge, capacity and qualifications and that he has in every way complied with the law;

By virtue of the powers conferred upon us by the statute passed by the Legislature of Quebec, in the forty-fourth and forty-fifth years of Her Majesty's Reign, chap. 27, 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, BARRISTER and ATTORNEY in all Courts of Justice 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 SECTIONS 54 AND 55.

No. \_\_\_\_\_

Commission No. \_\_\_\_\_

Bar of the Province of Quebec.

To all to whom these presents may come;

Greeting:

I, the undersigned, Secretary-Treasurer of the General Council of the Bar of the Province of Quebec, (or Secretary of the Bar of \_\_\_\_\_, *as the case may be*) by virtue of the powers conferred upon me, hereby certify that \_\_\_\_\_, Esquire, holds a commission as an advocate of the Province of Quebec, granting him the right to practise as such in all the Courts of Justice in this Province; and I certify, moreover, that the bearer of the said commission has complied with all the requirements of the law in every respect.

Therefore \_\_\_\_\_, Esquire, shall be considered, whenever 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 (or of the Bar of \_\_\_\_\_, *as the case may be*) this \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

Treasurer of the Bar  
of \_\_\_\_\_

## COMPLAINT.

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

That the said C. D. *(recite 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.

this  
day of

Given at one thousand eight hundred and

(Signed,)      A.                      B.                      Syndic.

## SUMMONS.

Province of Quebec, } Bar of  
District of }

By the Bâtonnier and members of the council of the Bar  
of \_\_\_\_\_ ;

To C. D. Esquire, advocate of \_\_\_\_\_, 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 at \_\_\_\_\_, then and there to answer the complaint, copy whereof is hereunto annexed, made against you by A. B. Esquire, syndic of the said section of the Bar of \_\_\_\_\_;

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 Bâtonnier and countersigned by our secretary on this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_.

(Signed),

(L. S.)

F. G. BATONNIER.

R. S. Secretary.

#### SUBPOENA.

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

By the Bâtonnier (*As in previous form*)

To \_\_\_\_\_ A B, of \_\_\_\_\_

Greeting :

We hereby command you and each and every of you, to appear in person before us, in our chambers, in the city (*or town*) of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock of the \_\_\_\_\_ noon, to give testimony and speak the truth on all which you or either of you know, concerning a certain complaint made before us by \_\_\_\_\_ against C. D., esquire, member of the bar of the \_\_\_\_\_ section of the district of \_\_\_\_\_ Herein fail not, under all legal penalties.

Given in the city (*or town*) of \_\_\_\_\_ under the seal of our section and the signature of our Secretary, this \_\_\_\_\_ day of the the month of \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_

(Signed),

(L. S.)

L. M.

Secretary.

#### CAP. XXVIII.

An Act to render valid certain notarial deeds.

[Assented to 30th June, 1881.]

Preamble.

**W**HEREAS a large number of wills have been received, without the requisite mention of the reading and