

C A P . X X V I I .

An Act to amend the Act respecting the Bar of Lower Canada.

[Assented to 5th April, 1869.]

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

1. In every part of the act twenty-ninth and thirtieth Victoria, chapter twenty-seven, the words "Lower Canada," shall be replaced by the words "Province of Quebec," but the use of the words "Lower Canada," whether in the name of the corporation of the bar, or in any acts, certificates, documents and other papers, shall not invalidate such acts, documents, writings, diplomas, certificates, and other papers proceeding from the said corporation.

2. The said corporation, the powers whereof are exercised by the general council, may institute suits against any section of the bar, for the purpose of recovering all sums due to the said corporation by such section, and, if on the return of the execution issued under any judgment rendered in such suit, the debt, both in principal and costs, has not been satisfied, the general council, at a meeting held for such purpose, may suspend such section from the exercise of the powers conferred upon it by law, until full and final payment of the amount due, in principal, interest, and costs. But, notwithstanding the suspension of any section, the members thereof may pay in their contribution to any of the other sections, and, upon so doing, they shall be entitled to require the insertion of their names on the list of such section, and on the list of the general council.

3. The general list of advocates shall be published every year, on or before the first day of May, and shall contain the names of such members only of the said corporation, as shall have paid their annual subscription, then due, together with all arrears which shall hereafter become due; but such list may be amended in accordance with the by-laws of the general council, in conformity with the powers conferred upon it by this act,—reserving always to all sections the right of collecting the arrears which may be due by the members thereof at the time of the publication of the ensuing list, in the manner provided by law.

The same provisions shall apply to the particular list of each section.

4. All subscriptions, or arrears of subscriptions, now due, or which may hereafter become due, may be recovered in the manner provided by law, in the district in which

29, 30 V., c. 27
amended by
substituting
"the province
of Quebec" for
"Lower
Canada."

Recourse of
the corporation
against sec-
tions in de-
fault to pay.

General list to
be published
yearly—what
names it shall
contain.

List of each
section.

Recovery of
subscriptions.

such subscriptions or arrears of subscriptions are due and payable.

Addition to § 1
of s. 31 of said
act.

5. The following shall be added to the first subsection of the thirty-first section of the said act, and shall be read and considered as forming part thereof:

"Under a penalty of forty dollars, which shall be paid to the treasurer of such section, to be applied for the advantage thereof; and such penalty shall be received in the manner set forth in and by the twenty-seventh section of the said act (29 and 30 Vict., ch. 27). Provided always, that no action for the recovery of such penalty shall be maintained, unless notice in writing shall have been given to the person so practising, one month before the institution of such action, that he has incurred such penalty, and that, between the date of such notice and the expiration of such month, such person shall not have caused his name to be inscribed upon the said list by competent authority; and the service of such notice shall be sufficient, if the same has been made personally, or by letter addressed to such person and registered at the post office."

How accused
members may
defend them-
selves.

6. It shall not be necessary for any member charged with any offence to appear in person, upon the day of the return of the complaint brought against him, provided he has, within the delays required by law, filed an appearance with the secretary.

How evidence
shall be taken.

7. One or more of the members of the council of the section shall have power to take the evidence in all cases, and all objections to the evidence or to any part thereof shall be reserved or determined by such member or members, subject to revision by the council of the section. This section shall apply to accusations actually pending.

Proceedings to
be in writing.

8. All proceedings respecting accusations shall be in writing, and at the time of the parties respectively entering upon their evidence, they shall be obliged to provide a clerk to take notes in detail of such evidence.

Examiners
may be ap-
pointed.

9. Examiners selected from among members of the profession, may be appointed by the council of a section, in any part of this province, beyond the limits of the district in which an accusation is pending, for the purpose of taking evidence on any such accusation, and the said examiners shall, for such purpose, have all the powers conferred upon the *bâtonnier* and members of the council of a section.

Accused mem-
ber may be a
witness.

10. Every member accused may, if he deem it advisable, tender his evidence on any complaint brought against him.

Committee for
examination
of candidates
for admis-
sion to study
or practice.

11. Every council of a section may make any by-laws respecting examinations to study and practice the profession of advocate, and shall, within the eight days next after the general elections, appoint a committee of not more than twenty members, who shall have practised as advocates for more than five years, and are not indebted

in any arrears of subscription or other dues, to examine candidates for admission to study or practice the profession; such committee may at all sittings for examinations, form itself into as many sub-committees as it shall deem necessary, of which not less than three members shall form a quorum.

12. No student shall be admitted to practice in any section other than that in which he shall have studied; and if he has pursued his studies partly in one section and partly in another, he shall not be admitted, save in the section in which he studied during the last six months of his clerkship; and he shall then produce a certificate of study from the council of the section in which he performed a part of his clerkship, which certificate shall be given him by the *bâtionnier* and secretary under the seal of the section, on payment by him of one dollar for such certificate.

In which section a student may be admitted to practice.

If such candidate has been refused admission before any section, or if his examination has been adjourned, he cannot present himself for examination before, nor be admitted to practise by any section, other than the one before which he shall have been already examined, unless he shall have studied for six months, since his last examination, in such section. This section shall apply to all students actually under articles, save and except those who have been already refused, or whose examination has been adjourned.

Candidate refused in one section cannot be admitted in another.

13. The general council is by the present act, authorized to make, from time to time, such rules and by-laws as it shall deem necessary:

Certain powers of general council:

1. In all matters relating to the general list and its publication, and for the purpose of exacting a fee from every member who requires the insertion of his name on such list, after its publication;

Relative to the general list.

2. To determine the procedure to be followed, in the case of the suspension of any member of any section, to the end that the general council may be in a position to carry into effect the said sentence of suspension.

As regards the suspension of members.

14. The rules and by-laws of the general council shall be transmitted immediately upon the passing thereof, to the secretary of each section, and shall come into force from the time of such transmission.

When rules of council shall come into force.

15. Every new section, which shall, after the passing of this act, be constituted and established by proclamation, shall be invested with all the powers conferred on actually existing sections, with the exception, however, of the power of examining and admitting candidates to study and practise, and of furnishing the certificates and diplomas required by law, which power shall remain and continue, in the possession of the now existing

Powers of new sections as regards admission to study or practice.

sections, in the same manner as if such new sections had not been constituted and established.

Relief of present students whose indentures are not registered.

16. Any student now under articles, who has neglected to have his indentures as a student enregistered, as required by law, may nevertheless present himself for examination for the practice of the profession, provided that such indentures be enregistered within the twelve months preceding his examination, and provided that he has studied regularly, without interruption and *bonâ fide* with a practising advocate, and has complied with all the other requirements of the law.

Time of meetings of examiners.

17. The meetings of examiners for the admission of candidates to the study and practice of the legal profession shall take place once every six months, at the day, hour and place fixed by the by-laws of council of sections. Students now under indentures may present themselves to undergo their examination, at the time nearest to the termination of their clerkship, but the diploma conferring upon them the title of advocate, shall not be granted to them before the expiration of such clerkship.

What liberal education shall comprise.

18. The liberal education required for admission to the study of the law, shall include a complete course of classical study, namely: Latin rudiments, Syntax, Method, Versification, Belles-lettres, Rhetoric and Philosophy inclusive, or any other complete course of classical study taught in incorporated colleges, seminaries or universities.

Advocates in new districts exempt from payments mentioned in sec. 33 of 29 and 30 V., c. 27.

19. Notwithstanding the provisions of the thirty-third section of twenty-ninth and thirtieth Victoria, chapter twenty-seven, respecting the bar of Lower Canada, no advocate residing in any of the new districts of the province of Quebec wherein an association of the advocates of such district shall have been formed, in conformity with the following section, shall be bound from the time when such association shall have been formed, to pay more than one dollar annually for the subscription mentioned in the said section

How advocates in such districts may form associations for certain purposes.

20. Whenever at least two thirds of the advocates of one of such districts shall have signed a declaration in triplicate, shewing that they intend to form themselves into an association for the purpose of acquiring and possessing a library, and law books for their use and for the use of the judge in such district, and whenever one of such triplicates shall have been deposited in the hands of the secretary of the bar of Lower Canada, and another in the office of the Superior Court of the said district, the third of the said triplicates being kept by the association, all the advocates residing in such district, or who shall reside therein thereafter, shall be deemed to have formed themselves into an association for the purposes aforesaid; and such association shall be known, and designated as, and held to

be a body politic, duly incorporated for the said purposes under the name of "The Advocates' Association of the district of _____," (adding thereto the name of the district); which said association under such name may sue and be sued in any court of justice in the province of Quebec.

21. The business of the association shall be conducted by a committee of management composed of a president, a secretary-treasurer, and three other members; and all questions submitted to the committee shall be decided by a majority of the members present including the president.

How affairs of association shall be conducted.

22. Three members of the committee shall form a quorum.

Quorum.

23. At the first general meeting, for the election or choice of a committee, the senior advocate of the district in which such association is formed, by the date of his commission, then present shall preside, and shall have a casting vote; and the president or in his absence a member selected by the meeting, shall preside over all subsequent meetings.

Who shall preside at meetings.

24. The said first general meeting shall be held at the court house of the district, on the first monday of June or November, immediately following the formation of the association, according as the said association shall have been formed after one or other of such periods, and if such Monday falls upon a holiday, such meeting shall be held on the day following; but if the election has not been made on the day appointed, it may take place at any other meeting specially convened by the secretary-treasurer, or on requisition by three members of the association; and the quorum of every meeting shall be the absolute majority of the members of the association.

Time and place of meetings.

25. The committee of management may make such by-laws as it shall deem necessary for the acquisition, safe-keeping, conduct and arrangement of the library, books and property of the association.

By-laws may be made.

26. Each member of the association shall pay into the hands of the secretary-treasurer, at the period, of the first election, and annually thereafter at the same period, the sum of five dollars.

Annual sum to be paid.

27. The subscription imposed under the preceding section may be recovered with costs by the association, before the circuit court for the district, upon a simple certificate signed by the secretary-treasurer and countersigned by the president; and it shall be sufficient to mention summarily in the declaration the period for which such subscription has been due.

Recovery of subscription.

28. Every such association shall cease to exist, so soon as the district in which it is formed shall be constituted into a section of the bar under the thirty-ninth section of the said act respecting the bar of Lower-Canada, and there-

Association to cease when district becomes a section.