

Laws of His Majesty's Province of Upper-Canada in North America. West Niagara: Titus G. Simons, Printer to the King's Most Excellent Majesty, 1797.

37 George III – Chapter

An Act for better regulating the Practice of the Law.

Be it enacted by the King's most excellent Majesty, by and with the advise and consent of the legislative council and assembly of the province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an act passed in the parliament of Great-Britain, entitled "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled "An act for making more effectual provision for the government of the province of Quebec in North-America, and to make further provision for the government of the said province," and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the persons now admitted to practise in the law, and practicing at the bar of any of his Majesty's courts of this province, to form themselves into a society, to be called the Law Society of Upper-Canada, as well for establishing of order amongst themselves as for the purpose of securing to the province and the profession a learned and honorable body, to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the said province.

II. And be it further enacted by the authority aforesaid, That the said society shall, and is hereby authorized to form a body of rules and regulations for its own government, under the inspection of the judges of the province for time being, as visitors of the said society, and to appoint the six senior members, or more, of the present practitioners, and the six senior members, or more, for the time being, in all times to come (whereof his Majesty's attorney-general, and solicitor-general for the time being, shall be, and be considered to be two) as governors or benchers of he said society, and also to appoint a librarian and a treasurer.

III. And be it further enacted, That it shall and may be lawful for the said practitioners, or as many as can be called together (whereof his Majesty's attorney-general, and solicitor-general shall be two) to assemble at the town of Newark in the county of Lincoln on the seventeenth day of July next ensuing the passing of this act, for the purpose of framing and adopting such rules and regulations as may be necessary for the immediate establishment of the said society, and its future welfare; and such rules and regulations as shall then and there be adopted, shall be openly read and entered in a book to be for that purpose provided, and having received the approbation of the said judges as visitors as aforesaid, shall be, and be considered to be the constitution of the said society, and binding upon all its members.— Provided always, That it shall and may be lawful in time to come, to add such other rules and regulations, with the approbation of the judges as aforesaid, as may here and there be necessary.

IV. And be it further enacted, That it shall and may be lawful to, and for any person now practicing at the bar of any of his Majesty's courts, to take one pupil or clerk, for the purpose

of instructing him in the knowledge of the laws, any law or ordinance to the contrary notwithstanding.

V. And be it further enacted, That no person other than the present practitioners, and those hereafter mentioned, shall be permitted to practice at the bar of any of his Majesty's courts in this province, unless such person shall have been previously entered of, and admitted into the said society as a student of the laws, and shall have been standing in the books of the said society, for and during the space of five years, and shall have conformed himself to the rules and regulations of the said society, and shall have been duly called, and admitted to the practice of the law as a barrister, according to the constitutions and establishment thereof. "Provided always, That it shall and may be lawful for any person having been duly admitted to practise at the bar of any of his Majesty's courts in England, Scotland, or Ireland or of any of his Majesty's provinces in North America, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct to the satisfaction of the judges of the King's bench, to be admitted to practice in this province, so as such person shall within one month from such admission, enter himself of the said society, and conform to all the rules and regulations thereof. Provided also, That nothing herein before contained shall affect, or be construed to affect any person who shall, or may have been articled as a clerk before the passing of this act, with any person practicing at the bar in any of the courts of this province, authorized to take a clerk or clerks, and duly acting as a clerk accordingly: but the time which such person shall have spent as such clerk shall be considered and taken to be, pro tanto, as a standing in the books of the said society, and as a reasonable and lawful deduction of so much of the said term of five years, so that such person shall likewise conform to the rules and regulations of the said society, in all matters and things thereunto appertaining.

VI. And be it further enacted by the authority aforesaid, That nothing in this act contained, shall prevent any person who hath been regularly articled with any person in this province, duly authorized to take a clerk, and shall have been standing in the books of the society aforesaid, for and during the space of three years, from acting merely as an attorney or solicitor in any of his Majesty's courts of law or equity in this province.

VII. Provided nevertheless, and be it further enacted, That no person shall be admitted to practise in this province, who shall not at the time of such admission have attained the full ages of twenty-one years.

VIII. And be it further enacted by the authority aforesaid, That a certain ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled "An ordinance concerning advocates, attornies, solicitors and notaries, and for the more easy collection of his Majesty's revenues," as far as it may relate to barristers, advocates, attornies or solicitors, be, and the same is hereby repealed.