

In Crown prosecutions for misdemeanors, not brought to trial in 12 months after plea of not guilty, Court may order trial unless a *nolle prosequi* be entered.

III. In case any prosecution for a misdemeanor instituted by Her Majesty's Attorney or Solicitor General, in any of the Courts aforesaid, shall not be brought to trial within twelve calendar months next after the plea of not guilty shall have been pleaded therein, it shall be lawful for the Court in which such prosecution shall be depending, upon application to be made on the behalf of any defendant in such prosecution, of which application twenty days previous notice shall have been given to Her Majesty's Attorney or Solicitor General, to make an Order, if the said Court shall see just cause so to do, authorizing such defendant to bring on the trial in such prosecution; and it shall thereupon be lawful for such defendant to bring on such trial accordingly, unless a *nolle prosequi* shall have been entered in such prosecution.

C A P. L X I I I.

An Act to amend the Law for the admission of Attornies.

[Assented to 10th June, 1857.]

Preamble.

WHEREAS it is necessary and expedient to alter, amend and consolidate the several Acts of Upper Canada relating to Attornies and Solicitors: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Repeal of former Acts and parts of Acts as in first Schedule.

I. From and after the passing of this Act, the several Acts and parts of Acts set forth in the Schedule hereunto annexed, shall be and the same are hereby repealed, save only and except so far as such Acts or parts of such Acts, or any of them, repeal the whole or any part of the same, or of any other Act or Acts, and also save and except so far as relates to any matters or things done at any time before the passing of this Act, all which matters and things shall be and remain as good, valid and effectual, to all intents and purposes whatsoever, as if this Act had not been passed, and also save and except as to the recovery and application of any penalty for any offence which shall have been committed before the passing of this Act.

Things done under them to remain valid.

No person to act as Attorney or Solicitor unless admitted and enrolled either under the provisions of this Act or before the passing thereof.

II. From and after the passing of this Act, no person shall act as an Attorney or Solicitor, or as such sue out any writ or process, or commence, carry on, solicit or defend any action, suit or other proceeding in the name of any other person, or in his own name, in Her Majesty's Court of Chancery, or Courts of Queen's Bench or Common Pleas, or in any of the County Courts of the Counties or United Counties of Upper Canada, now existing or hereafter to be made, set apart or established, or in any Court of Bankruptcy, or Court for the relief of Insolvent Debtors, now existing or hereafter to be made or established, or in any Court of civil or criminal jurisdiction, or in any other Court

Court of Law or Equity in Upper Canada, or act as Attorney or Solicitor in any cause, matter or suit, civil or criminal, to be heard, tried or determined, before any Justice of Assize of Oyer and Terminer, or Gaol Delivery, or at any General *Nisi Prius* Quarter Sessions of the Peace or Recorder's Court, for any County, City, Town, Township or Village, or before any Justice or Justices, unless such person shall have been previous to the passing of this Act admitted and enrolled and duly qualified to act as an Attorney or Solicitor under and by virtue of the laws now in force, or unless such person shall, after the passing of this Act, be admitted and enrolled, and duly qualified to act, as an Attorney or Solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on the Roll at the time of his acting in the capacity of an Attorney or Solicitor as aforesaid.

III. Except as hereinafter mentioned no person shall, from and after the passing of this Act, be capable of being admitted and enrolled as an Attorney or Solicitor, unless such person shall have been bound by contract, in writing, to serve as Clerk for and during the term of Five years to a practising Attorney or Solicitor in Upper Canada, and shall have duly served under such contract for and during the said term of Five years, and shall have during such term of Five years attended the sittings of the Courts of Queen's Bench, or Common Pleas pursuant to the regulations to be made by the Law Society of Upper Canada, under the authority hereinafter contained, at least during two of the Terms of Hilary, Easter, Trinity and Michaelmas, and also unless such person shall after the expiration of the said term of Five years have been examined and sworn in the manner hereinafter directed. Provided that no application for examination and admission of any person under this section shall be entertained, nor shall any person be examined, sworn, admitted, or enrolled as an Attorney or Solicitor, unless he shall, at least Fourteen days next before the first day of such Term in which he seeks admission, have left with the Secretary of the Law Society of Upper Canada his contract of service, and any assignment thereof, together with an affidavit of due execution thereof, and of due service thereunder, and a certificate of his having attended the sittings of the Court or Courts during Term as hereinbefore provided.

IV. Any person who shall have taken or who shall take the degree of Bachelor of Arts or Master of Arts, Bachelor of Law or Doctor of Laws in either of the Universities of the United Kingdom of Great Britain and Ireland, or in either of the Universities of this Province, and shall have been bound by contract, in writing, to serve as a Clerk for and during the term of Three years to a practising Attorney or Solicitor in Upper Canada, and shall have continued in such service for and during the said term of three years, and shall during the whole of such term have been actually employed by such Attorney or Solicitor, or

Except as excepted, no person to be admitted an Attorney or Solicitor unless he shall have served a Clerkship of 5 years, have kept two terms, and have passed an examination before Law Society.

Proviso: the articles, affidavits and certificate to be left with Secretary of Law Society fourteen days before term.

A Graduate of any University of the United Kingdom, or of this Province, may be admitted as an Attorney or Solicitor after 3 years' Clerkship, and after keeping two

by

terms, and passing an examination before the Law Society.

Proviso: that examination shall not take place unless the articles, affidavits, certificate, &c., have been left with Secretary of Law Society.

by the Toronto Agent of such Attorney or Solicitor with his consent, for any part of the said term not exceeding one year, in the proper business, practice, or employment of an Attorney or Solicitor, and who shall have, during such term of three years, attended the sittings of the Courts of Queen's Bench, or Common Pleas, pursuant to the regulations to be made by the Law Society of Upper Canada in that behalf, at least during two of the Terms of Hilary, Easter, Trinity and Michaelmas, and who shall, after the expiration of the said term of three years, have been examined and sworn in the manner hereinafter directed, shall be capable of being admitted and enrolled as an Attorney or Solicitor, although he shall have served a Clerkship under such contract as aforesaid for and during the term of three years only, and notwithstanding that such person shall have entered into such contract for service before taking any such Degree as aforesaid: Provided that no application for examination and admission of any person under this section shall be entertained, nor shall any person be examined, sworn, admitted, or enrolled as an Attorney or Solicitor, unless he shall, at least Fourteen days next before the day of such Term in which he seeks admission, have left with the Secretary of the Law Society of Upper Canada as well his contract of service, and any assignment thereof, together with an affidavit of due execution thereof, and of due service thereunder, and a certificate of his having attended the sittings of the Court or Courts during Term as hereinbefore provided as a certificate of his having taken a degree as hereinbefore provided, or duly authenticated certified copy of such certificate.

Barristers, Attornies and Solicitors of Superior Courts in England and Ireland, Writers to the Signet in Scotland, and Attornies and Solicitors of Superior Courts in the British Colonies where the Common Law prevails, may be admitted as Attornies and Solicitors after 1 year's service, and passing examination, &c.

V. Any person who shall have been previously to or may, after the passing of this Act, be duly called to practise at the Bar of any of Her Majesty's Superior Courts not having merely local jurisdiction in England, Scotland or Ireland, and also any person duly and lawfully sworn, admitted and enrolled an Attorney or Solicitor of Her Majesty's High Court of Chancery or Courts of Queen's Bench, Common Pleas, or Exchequer, in England or Ireland, or Writer to the Signet or Solicitor in the Supreme Courts in Scotland, or Attorney or Solicitor of any of Her Majesty's Superior Courts of Law or Equity in any of Her Majesty's Colonies wherein the Common Law of England is the common law of the land, and shall have been bound by contract in writing, to serve as a clerk for and during the term of One Year to a practising Attorney or Solicitor of Her Majesty's Court of Chancery, or the Courts of Queen's Bench or Common Pleas in Upper Canada, and shall have continued in such service for and during the said term of one year, and shall during the whole of such term have been actually employed by such Attorney or Solicitor in the proper business, practice, or employment of an Attorney or Solicitor, and shall produce such certificates as are hereinafter mentioned, and shall have, during such term of one year, attended the sittings of the Courts of Queen's Bench or Common Pleas, pursuant to the

Regulations

Regulations to be made by the Law Society of Upper Canada in that behalf, at least during two of the Terms of Hilary, Easter, Trinity and Michaelmas, and who shall after the expiration of the said term of one year have been examined and sworn in the manner hereinafter directed, shall be capable of being admitted and enrolled as an Attorney or Solicitor, although he shall have served a Clerkship under such contract for and during the term of one year only : Provided always that nothing in this section contained shall apply or be extended to persons admitted or enrolled solely as Attornies of the Courts of the Duchy of Lancaster, or of the Counties Palatine of Lancaster or Durham, in England, or of the Court of Sheriff's Substitute, or other Inferior Court in Scotland, or of any other than the Supreme or Superior Courts of Judicature of Her Majesty's Colonies aforesaid. And Provided also that it shall be requisite for any person as hereinbefore mentioned to advertise in the *Canada Gazette* at least two months previous notice of his intention to apply to the Court of Chancery, Queen's Bench or Common Pleas, as the case may be, in the next ensuing Term thereafter of such Court for such admission. Provided further that no application for examination and admission of any person shall be entertained, nor shall any such person be sworn or admitted and enrolled, unless he shall, at least Fourteen days next before the first day of such Term in which he seeks admission, have left with the Secretary of the Law Society of Upper Canada the contract of service and any assignment thereof together with affidavits of due execution thereof, and of due service thereunder and (as the case may be) the several certificates of his having been duly called to the Bar as hereinbefore mentioned, or of his admission and enrolment as an Attorney or Solicitor of the Courts of Law or Equity hereinbefore mentioned, or of any one of them, and also a certificate under the seal of any of the Societies or Inns of Court in England, Scotland or Ireland, duly authorized in that behalf, when such applicant shall have been called to the Bar, or of any such Court or Courts, and duly attested under the hand of the proper Officer of such Society or Inn of Court, or of such Court or Courts, to the effect that the said applicant was at the date thereof on the Books of the said Society or Inn of Court, or on the Roll of Attornies or Solicitors of such Court or Courts, and that no application to such Society or Inn of Court, or to such Court or Courts, had been made since his admission thereto against such person for misconduct in such his capacity of Attorney or Solicitor ; and also a certificate under the hands of two or more persons of the good moral character of the applicant : which two certificates shall respectively bear date within three months of the first day of the Term within which such application is made ; Provided lastly, that nothing in this section contained shall extend to those persons who, in the present session of Parliament, have applied for Acts enabling them to practise as Attorneys and Solicitors in this Province, but the said Courts are hereby authorized to admit them upon proof of their service with any Attorney or Solicitor

Proviso, as to Courts of Lancaster and Durham, in England, and Inferior Courts in Scotland and the British Colonies.

Proviso : for notice in *Ganada Gazette*.

Proviso : for production of articles, affidavits and certain certificates of good character and of no application pending against the party for misconduct as an Attorney, &c.

Proviso : in favor of persons who have during the Session of 1857, applied for special Acts author

izing their admission as Attornies, &c.

Solicitor of either of the said Courts for one year previous to their applications to such Court for admission although such service may not have been under Articles of Clerkship; and upon proof by the certificate of the Clerk of either House of Parliament that a Bill to admit such person to practise had been introduced into the Legislature during the said session, and that such person had previously been authorized to practise as a Barrister or Attorney in some part of Her Majesty's Dominions.

Law Society required to examine all applicants for admission as Attornies or Solicitors as to fitness and capacity.

After examination, the Judges, upon receipt of certificate under corporate seal of Law Society, may cause oaths to be administered, and may admit to practice.

Proviso for production of the articles, affidavits, certificates, &c., and endorsement of Judge's fiat for admission.

VI. It shall be lawful for the Law Society of Upper Canada, and the said Society is hereby required before any person shall be admitted or enrolled as an Attorney or Solicitor, and upon satisfactory proof to the said Society of such certificates as are hereinbefore mentioned, in cases where the same are requisite under this Act, and of the said contract in writing for service, and of the execution thereof and of the due and proper service thereunder, and upon due and proper satisfaction of the requisites of this Act having been complied with, to examine and enquire by such ways and means as they shall think proper, touching the fitness and capacity of such person to act as an Attorney or Solicitor; and if the said Society shall be satisfied by such examination, or by the certificate of such Examiners as hereinafter mentioned that such person is duly qualified and fit, and competent to act as an Attorney or Solicitor, then, and not otherwise, the Judges of the Courts of Law and Equity of Upper Canada, or any one or more of them, shall be, and he or they are hereby authorized, upon a certificate under the corporate seal of the said Society of the due service under contract, in writing, of such person, and of his fitness and capacity, and of his having duly complied with the requirements of this Act, or that he is in all respects duly qualified to be admitted as an Attorney and Solicitor, to administer or cause to be administered to such person in open Court, and during the Term in which such application for admission is made, in addition to the oath of allegiance, the oath hereinafter directed to be taken by Attornies and Solicitors, and after such oaths taken to cause him to be admitted an Attorney or Solicitor of the Court or Courts of Law or Equity of Upper Canada, and his name to be enrolled as an Attorney or Solicitor of such Court (as the case may be), which admission shall be signed by the Clerk or Registrar of such Court or Courts. Provided always that together with such certificate of the Law Society as hereinbefore provided and annexed thereto, shall be produced to such Judge or Judges of the Court wherein such person seeks admission, the original contract or contracts of service and any assignments thereof, and the affidavits of due service thereunder by this Act required, and all such other certificates as are hereinbefore required, and upon the said certificate of the said Law Society of Upper Canada shall be endorsed by such Judge his Fiat for admission, and the said document shall thereupon be delivered by the Clerk of the Court wherein such application is made, to the

the Clerk of the Crown and Pleas, to be by him filed and retained of record in his office.

VII. Whenever any person shall after the passing of this Act be bound by contract in writing to serve as a Clerk to any Attorney or Solicitor as aforesaid, the Attorney or Solicitor to whom such person shall be so bound as aforesaid shall, within three months after the date of such contract, make and duly swear, or cause or procure to be duly made and sworn, an affidavit or affidavits, of such Attorney or Solicitor having been duly admitted, and also of the actual execution of every such contract by him the said Attorney or Solicitor, and by the person so to be bound to serve him as a Clerk as aforesaid, and in every such affidavit shall be specified the names of every such Attorney or Solicitor, and of every such person so bound, and their places of abode respectively, together with the day on which such contract was actually executed; and every such contract and affidavit annexed thereto shall be filed within three months next after the execution of the said contract with and by the Clerk of the Crown and Pleas, at Toronto, who shall thereupon make and sign a memorandum of the day of filing such affidavit upon such affidavit and also upon the contract.

Affidavit to be made and filed within three months of execution of articles, and the articles to be enrolled.

VIII. In case such affidavit as hereinbefore mentioned be not filed within three months after the date thereof, the same may be filed by the officer before mentioned after the expiration thereof, but the service of such Clerk shall be reckoned to commence and be computed from the date of filing such affidavit.

If affidavit not filed within three months, how service to reckon.

IX. Every person who now is or hereafter shall be bound by contract in writing to serve as a Clerk to any Attorney or Solicitor shall, during the whole time and term of such service, to be specified in such contract, (not exceeding the term of five years) continue and be actually employed by such Attorney or Solicitor in the proper business, practice or employment of an Attorney or Solicitor.

How Article d Clerks shall be employed.

X. From and after the passing of this Act, it shall and may be lawful for all and every person now authorized to practise as an Attorney or Solicitor, in Upper Canada, or who shall be hereafter authorized to practise as aforesaid, to take and have under contract in writing four Clerks at one time, and no more; and no Attorney or Solicitor shall take, have or retain any Clerk who shall be bound by contract in writing as aforesaid, after such Attorney or Solicitor shall have discontinued or left off practising as or carrying on the business of an Attorney or Solicitor, nor whilst such Attorney or Solicitor shall be retained or employed as a Writer or Clerk by any other Attorney or Solicitor; and service by any Clerk under Articles to an Attorney or Solicitor, for and during any part of the time that such Attorney or Solicitor shall be so employed as Writer or Clerk by any other

Every practising Attorney or Solicitor may have four Article d Clerks at one time, and no more.

Attornies not practising on their own names, not to have Clerks.

other Attorney or Solicitor, shall not be deemed or accounted as good service under such Articles.

Clerks before admission to make affidavit of having served as required by this Act—the Attorney or Solicitor, also, to make affidavit of the due service.

XI. Every person who shall have been or shall be bound as a Clerk as aforesaid shall, before he be admitted an Attorney or Solicitor according to this Act, prove by an affidavit of himself as also of the Attorney or Solicitor to whom he was bound as aforesaid, or such Agent as aforesaid, to be duly made and delivered to the Law Society of Upper Canada, upon his application for admission, that he hath actually and really served and been employed by such practising Attorney or Solicitor or Agent (as to the latter for the term of one year only as hereinbefore mentioned) during the whole term and in the manner required by the provisions of this Act, and in the form to be approved by the Judges of the Court wherein such person shall apply to be admitted.

Articles and affidavit to be produced on applying for admission.

XII. No person who shall, from and after the passing of this Act, become bound as aforesaid, shall be admitted an Attorney or Solicitor before such contract and affidavit so marked as aforesaid respectively shall have been produced to the Law Society of Upper Canada, in pursuance of the provisions hereinafter contained, unless the same cannot be produced, in which case any Court or Judge of the Court wherein such person seeks admission, may, on application in that behalf, and on being satisfied of such fact, in his discretion, dispense with the production thereof.

In case Attorney or Solicitor become bankrupt, or insolvent, or be imprisoned, Articles to be discharged or assigned.

XIII. In case any Attorney or Solicitor to whom any Clerk shall be bound by contract, in writing as aforesaid, shall, before the end or determination of such contract, become bankrupt, or take the benefit of any Act for the relief of Insolvent Debtors, or be imprisoned for debt and remain in prison for the space of twenty-one days, it shall be lawful for any of the said Courts of Law or Equity wherein such Attorney or Solicitor is admitted as aforesaid, upon the application of such Clerk to order and direct the said contract to be discharged, or assigned to such person, upon such terms, and in such manner as the said Court shall think fit.

Clerks whose Masters have died or left off practice, may enter into fresh contracts for the residue of their term.

XIV. If any Attorney or Solicitor, to or with whom any such person shall be so bound, shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as an Attorney or Solicitor, or if such contract shall by mutual consent of the parties be cancelled, or in case such Clerk shall be legally discharged before the expiration of such term by any rule or order of the Court wherein such Attorney or Solicitor shall have been admitted, such Clerk shall and may in any of the said cases be bound by another contract or other contracts in writing, to serve as Clerk to any other practising Attorney or Solicitor, or Attornies or Solicitors, during the residue of the said term, and service under such second or other contract in manner hereinbefore mentioned

mentioned shall be deemed and taken to be good and effectual ; Provided that an affidavit be duly made and filed of the execution of such second or other contract or contracts within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original contract, and affidavit of the execution thereof.

XV. No Attorney or Solicitor who shall be a Prisoner in any Gaol or Prison, shall or may, during his confinement in any Gaol or Prison, or within the limits thereof, as an Attorney or Solicitor, sue out any Writ or process, or commence or prosecute or defend any action or suit, in any Courts of Law or Equity, or matter in Bankruptcy or Insolvency ; and such Attorney or Solicitor so commencing, prosecuting or defending any action or suit as aforesaid, and any Attorney or Solicitor permitting or empowering any such Attorney or Solicitor as aforesaid to commence, prosecute or defend any action or suit in his name, shall be deemed to be guilty of a contempt of the Court in which any such action or suit shall have been commenced or prosecuted, and punishable by the said Courts accordingly, upon the application of any person complaining thereof : and such Attorney or Solicitor so commencing, prosecuting, or defending any action or suit as aforesaid, shall be incapable of maintaining any action or suit at Law or in Equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter or thing done by him whilst such Prisoner as aforesaid, in his own name or in the name of any other Attorney or Solicitor.

XVI. If any Attorney or Solicitor shall wilfully and knowingly act as Agent in any action or suit in any Court of Law or Equity, or matter in Bankruptcy or Insolvency, for any person not duly qualified to act as an Attorney or Solicitor as aforesaid, or permit or suffer his name to be any ways made use of in any such action, suit or matter, upon the account or for the profit of any unqualified person, or send any process to such unqualified person, or do any other act thereby to enable such unqualified person to appear, act or practise in any respect as an Attorney or Solicitor in any suit at Law or in Equity, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any of the said Superior Courts wherein such Attorney or Solicitor has been admitted, and proof made thereof, upon oath to the satisfaction of the Court, that such Attorney or Solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such Attorney or Solicitor so offending, shall and may in the discretion of the Court, be struck off the Roll, and for ever after disabled from practising as an Attorney or Solicitor ; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the Court to commit such unqualified person so acting or practising as aforesaid to any Common Gaol or Prison for any term not exceeding one year.

Prohibiting persons not enrolled from suing out writs, &c.

Offence to be a contempt.

Applications for striking Attornies or Solicitors off the roll for defect in Articles, &c., when to be made.

Except where there has been fraud.

Law Society may appoint Examiners, and make rules touching the examination and admission of Attornies and Solicitors, &c.

Such rules and regulations to be submitted to and approved of by the Judges.

Persons only admitted in one Court capable of practising in all other Courts on signing the other rolls.

XVII. From and after the passing of this Act, in case any person shall in his own name, or in the name of any other person, sue out any Writ or process, or commence, prosecute or defend any action or suit or any proceeding in any Court of Law or Equity, without being admitted and enrolled as aforesaid, or being himself the Plaintiff or Defendant in such proceeding respectively, every such person shall be and is hereby made incapable to maintain or prosecute any action or suit in any Court of Law or Equity for any fee, reward, or disbursements on account of prosecuting, carrying on or defending any such action, suit, or proceeding, or otherwise in relation thereto; and such offence shall be deemed a contempt of the Court in which such action, suit, or proceeding shall have been prosecuted, carried on, or defended, and shall and may be punished accordingly.

XVIII. No person who has been admitted and enrolled shall be liable to be struck off the Roll for or on account of any defect in the Articles of Clerkship, or in the registry thereof, or in his service under such Articles, or in his admission and enrolment, unless the application for striking him off the Roll be made within twelve months from the time of his admission and enrolment; provided that such Articles, Registration, Service, Admission or Enrolment, be without fraud.

XIX. The Law Society of Upper Canada are empowered, and they are hereby required, from time to time, to make and ordain all such Rules and Regulations as they may consider necessary for conducting the examinations of persons applying to be admitted as Attornies and Solicitors, as well touching the Articles and Service, and the several Certificates hereinbefore mentioned, as the fitness and capacity of such persons to act both as Attornies and Solicitors; and from time to time, to nominate and appoint, if they shall see fit to do so, Examiners for the purpose of conducting such examinations as to the said fitness and capacity: Provided always, that such Rules and Regulations shall be first submitted to and approved of by any three or more of the Judges of the Courts of Queen's Bench, Common Pleas or Chancery of Upper Canada, of whom one of the Judges of each of the said Courts shall form one.

XX. Every person who shall have been duly admitted, sworn and enrolled as an Attorney or Solicitor of the Courts of Queen's Bench, Common Pleas or Chancery of Upper Canada, shall be entitled, upon the production of his Admission therein, or an Official Certificate thereof, and that the same still continues in force, to be admitted as an Attorney or Solicitor in any other of the said Courts (as the case may be) upon signing the Roll of such other Court or Courts, but not otherwise, and shall thereupon be entitled to practise as an Attorney or Solicitor therein, as the case may be, in the like manner as if he had been sworn in and admitted an Attorney or Solicitor of such Court.

XXI. Every person who shall, pursuant to this Act, apply to be admitted an Attorney or Solicitor, shall, before he be admitted and enrolled as aforesaid, take and subscribe the oath, or if he be one of the people called Quakers, the affirmation following :

Oath of office to be taken by Attornies, &c.

“ I, A. B., do swear (*or solemnly affirm, as the case may be*) that I will truly and honestly demean myself in the practice of an Attorney (*or Solicitor, as the case may be*) according to the best of my knowledge and ability. So help me God.”

The oath.

XXII. No Attorney or Solicitor being a Merchant or in anywise connected by partnership, public or private, in the purchasing and vending of merchandize in the way of trade as a Merchant, shall be permitted to practise in any of the Courts of Upper Canada during the time he may be such Merchant or so engaged as aforesaid, nor until twelve months after he shall have ceased to be such Merchant or so engaged as aforesaid.

No Attorney or Solicitor to trade as a Merchant.

XXIII. Every person who at the time of the passing of this Act, or within the period of six months thereafter, shall have completed his period of service according to the Laws in force at the time of the passing of this Act, but shall not have been admitted an Attorney or Solicitor in pursuance of such service, shall, if otherwise qualified according to the requirements of this Act, be capable of being admitted and enrolled an Attorney or Solicitor in pursuance of the provisions of this Act, in the same manner in all respects as if he was actually bound by contract in writing, at the time of the passing of this Act, and notwithstanding that the attendance of such person during two of the Sittings of either of the said Courts in Term time has not been complied with as hereinbefore mentioned and required.

Persons having completed the period of service, but not been admitted may, if qualified, be admitted.

XXIV. The several Fees shall be payable to the persons and for the duties therefor to be performed as contained in the second Schedule to this Act appended.

Fees payable as set forth in second Schedule.

XXV. It shall be lawful to and for the Judges of the Courts of Queen's Bench, Common Pleas and Chancery of Upper Canada, to make, from time to time, such Rules or Regulations, other than the Rules and Regulations hereinbefore referred to, as to them may seem necessary and meet for carrying out the provisions of this Act.

Judges to make such rules, &c., as may be necessary.

XXVI. This Act shall extend to Upper Canada only.

Act to apply to U. C. only.

THE FIRST SCHEDULE.

SCHEDULE OF ACTS AND PARTS OF ACTS REPEALED.

Date of Act.	Title.	Extent of Repeal.
47 Geo. III., chap. 5.	An Act to authorize Practitioners in the Law in this Province, to take such a number of Clerks as is therein mentioned.	The whole.
55 Geo. III., chap. 3.	An Act to afford relief to Barristers and Attornies, and to provide for the admission of Law Students within this Province, and for the purposes therein mentioned.	The whole.
2 Geo. IV., chap. 1.	An Act to repeal part of and amend the Laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province.	Section Forty-four.
2 Geo. IV., chap. 5.	An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, intituled, "An Act for the better regulating the practice of the Law," and to extend the provisions of the same.	Section Three.
4 Wm. IV., chap. 9.	An Act to amend an Act passed in the second year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal part of and amend an Act passed in the thirty-seventh year of his late Majesty's Reign, intituled, 'An Act for the better regulating the practice of the Law,' and to extend the provisions of the same."	The whole.
7 Wm. IV., chap. 15.	An Act to amend the Law for the admission of Barristers and Attornies, and to provide for the further relief of William Conway Keele.	Sections One, Three and Four.
10 & 11 Vic., chap. 29.	An Act to amend the Law for the admission of Attornies and calling of Barristers in Upper Canada.	Section One, and so much of Section Three as relates to Attornies or Solicitors.

THE SECOND SCHEDULE.

Persons entitled to receive the Fees.	Duties to be performed.	Amount.		
		£	s.	d.
Clerk of the Crown and Pleas.	On filing Articles and Assignments (if any) and every affidavit of execution of such Articles, and making the endorsement required by the Act.	0	2	6
The Law Society of Upper Canada.	On leaving Articles and Assignments thereof, Affidavits of Execution and Certificates for inspection, and enquiry as to due service previous to examination for admission.	0	10	0
The Law Society of Upper Canada.	For the Examination and Certificate of fitness and capacity, and compliance with requisites of the Act.	10	0	0
The Clerk of the Court whence Fiat issues.	For Fiat for admission and oath, and on signing the Roll.	0	5	0
The Clerk of the Court whence Fiat issues.	For Certificate.	0	10	0
The Clerk of the Court on admission upon Certificate of admission of any other Court.	For signing the Roll and Certificate of Admission.	0	10	0

CAP. LXIV.

An Act further to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada, and for that purpose to amend, extend and continue two certain Acts therein mentioned.

[Assented to 10th June, 1857.]

WHEREAS it has been found that the sum of money granted for the erection of buildings, suitable for the accommodation of the Superior Courts of Law and Equity in Upper Canada, by the Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and twenty-two, is insufficient for the purpose; And whereas it is necessary to grant additional aid therefor, and for the purpose of liquidating the debt incurred thereby, to increase the fee fund established by the Act passed in the ninth year of Her Majesty's Reign, chaptered thirty-three: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.