

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 103

An Act to authorize the Courts of Queen's Bench and of Chancery in Upper Canada, in their discretion, to admit John W. Dempsey to practise as an Attorney and Solicitor therein. 18th May, 1846.

Whereas by an Act of the Legislature of Upper Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and 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, it is, among other things, enacted, that from and after the passing of the said Act, no person shall be admitted, by the Court of King's Bench, to practise as an Attorney, unless upon an actual service, under Articles, for five years, with some practising Attorney; And whereas it appears by the Petition of John W. Dempsey, of the City of Toronto, Gentleman, and by the certificate of Charles Coxwell Small, Esquire, Clerk of the Crown and Pleas at Toronto, indorsed on the said Petition, that he, the said John W. Dempsey, faithfully served, under Articles of Clerkship, for the period of five years with the said Clerk of the Crown and Pleas, but it has been considered that the said Clerk of the Crown and Pleas is not a practising Attorney within the meaning of the said Act; And whereas in England, the several Prothonotaries of the Court of Common Pleas, and the Secondary of the Court of Queen's Bench there, are each allowed to have Clerks articed to them, who, after their Clerkship is ended, may be admitted and sworn as Attorneys of the Courts of Law at Westminster, and the said John W. Dempsey was articed to and served his Clerkship with the said Charles Coxwell Small *bonâ fide* and under the belief that the said Charles Coxwell Small was authorized by law to receive him as such Clerk, which belief was also entertained by the said Charles Coxwell Small; And whereas it is reasonable under the circumstances of the case that the Courts of Law and Equity in Upper Canada should be authorized, in their discretion, to admit the said John W. Dempsey to practise as an Attorney and Solicitor, and it is therefore expedient to grant the prayer of his said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Court of Queen's Bench, in and for that part of this Province which formerly constituted the Province of Upper Canada, in its discretion, to admit the said John W. Dempsey, as an Attorney of that Court; and that it shall also be lawful for the High Court of Chancery in that part of this Province last aforesaid, in its discretion, to admit him to practise as a Solicitor in the said Court of Chancery; any law or usage to the contrary notwithstanding.

II. Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Charles Coxwell Small, or any future or other Clerk of the Crown and Pleas, to

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take articulated Clerks with the view of being admitted as Attornies at law or Solicitors in Chancery in this Province.