



1937

c 222 Barristers Act

Ontario

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CHAPTER 222.

The Barristers Act.

Interpretation.
"Society."

1. In this Act "the Society" shall mean The Law Society of Upper Canada. R.S.O. 1927, c. 193, s. 1.

Benchers may make rules as to admission of barristers.

2. The benchers of the Law Society may make such rules, regulations or by-laws as shall to them seem necessary and proper touching the call or admission of any persons, being British subjects, to practise at the Bar in His Majesty's courts of Ontario and such persons and no others shall be entitled to practise within the said courts. R.S.O. 1927, c. 193, s. 2; 1934, c. 54, s. 3.

Admission of solicitors to practice at the Bar.

3.—(1) Persons who have been duly admitted and enrolled as solicitors of the Supreme Court, and who have practised as solicitors in Ontario for the periods respectively hereinafter mentioned, and who are British subjects, may be admitted to practise at the Bar of His Majesty's courts in Ontario on the terms and conditions hereinafter mentioned.

When solicitor has practised for ten years.

(2) A solicitor who has been, previous to the time of filing his application for call, in actual practice for ten years or more shall be entitled to be called to the Bar without further examination.

When solicitor has practised for five years.

(3) A solicitor who has been, previous to the time of filing his application for call, in actual practice for five years or more, but less than ten years, shall be entitled to be called on passing such examination as may be required by the Society for such cases.

Solicitors holding office in Supreme Court.

(4) For the purpose of this section a solicitor holding any office in the Supreme Court or either division thereof to which he is appointed by the Crown, shall be deemed to have been in actual practice within the meaning of this Act while holding such office.

Notice of application by such candidates.

(5) Notice of the intention of a candidate to apply for call, under the provisions of this section, shall be sufficient if written notice be given to the secretary of the Society as in the case of a student-at-law for call, and the notice of presentation to convocation shall be signed by a barrister practis-

ing in the county or district in which such candidate resides, and shall certify that the candidate is, in his opinion, a fit and proper person to be called to the Bar.

(6) Every such solicitor, before being called to the Bar, ^{Fees.} shall pay such fees only as are paid on call to the Bar in ordinary cases. R.S.O. 1927, c. 193, s. 3.

4. Any person who is or has been Minister of Justice of Canada or Solicitor-General of Canada shall be entitled to be called to the Bar of Ontario without complying with any of the rules of the Society as to admission, examinations, payment of fees or otherwise, and shall thereupon be entitled to practise at the Bar in His Majesty's courts in Ontario. R.S.O. 1927, c. 193, s. 4. ^{Call of Minister of Justice or Solicitor-General.}

KING'S COUNSEL AND PRECEDENCE.

5. The Lieutenant-Governor may by letters patent under the Great Seal, appoint from the members of the Bar of Ontario such persons as he may deem proper to be, during pleasure, provincial officers under the name of "His Majesty's Counsel learned in the law" for Ontario. R.S.O. 1927, c. 193, s. 5. ^{Appointment of King's Counsel.}

6.—(1) From and after the time when this section comes into force no appointment of His Majesty's Counsel learned in the law shall be made by the Lieutenant-Governor in Council beyond the number of five in any one year, or twenty in any four years, save and except in the following cases:— ^{Limit as to number of King's Counsel to be appointed.}

(a) That of any person who may be appointed Minister of Justice or Solicitor-General of Canada, or Attorney-General for Ontario; ^{Exceptions.}

(b) That of any person appointed by the Governor-General in Council, for the Federal Courts, one of His Majesty's Counsel learned in the law.

(2) Except in the cases mentioned in clauses *a* and *b* no person shall be so appointed who is not of at least ten years' standing at the Bar of Ontario. ^{Qualifications of King's Counsel.}

(3) This section shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation. R.S.O. 1927, c. 193, s. 6. ^{When this section shall come into force.}

7. The following members of the Bar of Ontario shall have precedence in the courts of Ontario in the following order:— ^{Order of precedence at the Bar.}

- (a) The Minister of Justice of Canada for the time being;
- (b) The Attorney-General for Ontario;
- (c) The members of the Bar who have filled the office of Minister of Justice of Canada or Attorney-General for Ontario, according to seniority of appointment. R.S.O. 1927, c. 193, s. 7.

Patents of
precedence.

8. The Lieutenant-Governor, by letters patent under the Great Seal, may grant to any member of the Bar a patent of precedence in the courts of Ontario. R.S.O. 1927, c. 193, s. 8.

Precedence
of King's
Counsel.

9. King's Counsel for Ontario shall have precedence in the courts according to seniority of appointment unless otherwise provided in the letters patent. R.S.O. 1927, c. 193, s. 9.

Precedence
of other
members of
the Bar.

10. The remaining members of the Bar shall, as between themselves, have precedence in the courts in the order of their call to the Bar. R.S.O. 1927, c. 193, s. 10.

Crown
Counsel.

11. Nothing in this Act shall affect or alter any rights of precedence which appertain to any member of the Bar when acting as Counsel for His Majesty, or for any Attorney-General of His Majesty, in any matter depending in the name of His Majesty or of the Attorney-General before the courts, but such right and precedence shall remain as if this Act had not been passed. R.S.O. 1927, c. 193, s. 11.
