

1914

## c 158 Barristers Act

Ontario

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## CHAPTER 158.

## An Act respecting Barristers-at-Law.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Barristers Act*. 2 Geo. V. c. 27, s. 1.

Interpretation.  
"The Society."

2. In this Act "The Society" shall mean The Law Society of Upper Canada. 2 Geo. V. c. 27, s. 2.

Who may be admitted to practise at the Bar.

3. Subject to any rules, regulations or by-laws made by the Benchers of the Society under *The Law Society Act* the following persons, being British subjects, and, except as hereinafter provided, no others, may be admitted to practise at the Bar in His Majesty's Courts in Ontario:—

Students of five years' standing.

(a) Any person of the age of twenty-one years, who, having been entered of and admitted into the Society as a student of the laws, has been standing on the books thereof for five years, and has conformed to the rules of the Society;

Certain students of three years' standing.

(b) Any person of the age of twenty-one years, who has been admitted into and stands on the books of the Society as a student of the laws for three years, and has conformed to the rules of the Society, and, who prior to the date of his admission as a student, has actually taken and had conferred upon him the degree of Bachelor of Arts, Bachelor of Civil Law or Bachelor of Law in any of the Universities of the United Kingdom or of any of His Majesty's Dominions or Colonies, or any University or College in any of the Provinces of Canada having power to grant degrees, or who was a graduate of the Royal Military College of Canada, or who was a graduate of the faculty of Applied Science of the University of Toronto, or in Practical Science of Queen's University of Kingston.

Admission of English and other barristers.

(c) Any person who has been duly called to the Bar of any of His Majesty's Superior Courts of England, Ireland or Scotland.—when the Inn of Court or other authority having power to call or admit to the Bar by which such person was

called or admitted extends the like privilege to members of the Bar of Ontario—on producing sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Society;

- (d) Any person who has been duly authorized to practise as an Advocate, Barrister, Attorney, Solicitor and Proctor at Law in all Courts of Justice in Quebec, or who has been found capable and qualified, and entitled to receive a diploma for that purpose under the provisions of the Acts respecting the incorporation of the Bar of Quebec, or who has been duly registered as a clerk and studied during the periods for study respectively required under the provisions of those Acts, on producing sufficient evidence thereof, and testimonials of good character and conduct to the satisfaction of the Society, and undergoing an examination in the law of Ontario to its satisfaction, and upon his entering himself of the Society, and conforming to all the rules thereof;
- (e) Any person who has been duly called or admitted, or is entitled to be called or admitted, to the Bar of any of His Majesty's Superior Courts in any of the Provinces of Canada or of any British Dominion or colony in which the same privilege would be extended to members of the Bar of Ontario, and who produces sufficient evidence of such call or admission, or of the right to be called or admitted, and testimonials of good character and conduct to the satisfaction of the Society.  
2 Geo. V. c. 27, s. 3.

Admission of practitioners and students from Quebec.

Admission of Barristers of other Provinces and Colonies.

4.—(1) Persons who had 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.

Admission of solicitors to practise at the Bar.

(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 ten 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.

When solicitor has practised for five years.

Solicitors  
holding office  
in Superior  
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 practising 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.

Fees.

(6) Every such Solicitor, before being called to the Bar, shall pay such fees only as are paid on call to the Bar in ordinary cases. 2 Geo. V. c. 27, s. 4.

Call of  
Minister of  
Justice or  
Solicitor  
General.

5. 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. 2 Geo. V. c. 27, s. 5.

#### KING'S COUNSEL AND PRECEDENCE.

Appointment  
of King's  
Counsel.

6. It was and is lawful for the Lieutenant-Governor, by Letters Patent under the Great Seal, to 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. 2 Geo. V. c. 27, s. 6.

Limit as to  
number of  
King's  
Counsel  
to be  
appointed.

7.—(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:—

Exceptions.

(a) That of any person who may be appointed Minister of Justice or Solicitor General of Canada, or Attorney General of Ontario;

(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.

Qualifications  
of King's  
Counsel.

(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.

(3) This section shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation. When this section shall come into force.  
2 Geo. V. c. 27, s. 7.

8. 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 of Ontario;
- (c) The members of the Bar who have filled the office of Minister of Justice of Canada or Attorney General of Ontario, according to seniority of appointment;
- (d) The members of the Bar who were, before the 1st day of July, 1867, appointed Her Majesty's Counsel for Upper Canada, according to seniority of appointment. 2 Geo. V. c. 27, s. 8.

9. 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. Patents of precedence. 2 Geo. V. c. 27, s. 9.

10. Members of the Bar appointed after the 1st day of July, 1867, to be Queen's Counsel or King's Counsel for Ontario, and members of the Bar to whom patents of precedence are granted shall severally have precedence in the courts according to seniority of appointment unless otherwise provided in the Letters Patent. Precedence of King's Counsel and members holding patents of precedence. 2 Geo. V. c. 27, s. 10.

11. The remaining members of the Bar shall, as between themselves, have precedence in the Courts in the order of their call to the Bar. Precedence of other members of the Bar. 2 Geo. V. c. 27, s. 11.

12. 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. Crown Counsel 2 Geo. V. c. 27, s. 12.

(Note.—As to collection of costs when solicitor or counsel paid a salary. See *The Solicitors' Act, R.S.O. c. 159, s. 71.*)