

BILL

No. 48 of 1925.

An Act to amend The Legal Profession Act.

(Assented to _____, 1925.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Legal Profession Act Amendment Act, 1925.*"

2. *The Legal Profession Act*, being chapter 206 of the Revised Statutes of Alberta, 1922, is amended as to section 10 thereof by striking out the words "one thousand nine hundred and twenty-two" and substituting the words "one thousand nine hundred and twenty-five," and by striking out the word "third" and substituting the word "second."

3. Sections 11 to 18 inclusive of the said Act are hereby struck out, and the following sections substituted:

"**11.**—(1) Every member of the society in good standing resident in the Province of Alberta nominated as hereinafter provided shall be eligible for election as a benchers.

"(2) At all elections retiring benchers shall be eligible for re-election.

"**12.**—(1) Every member of the society in good standing shall be entitled to vote at any election of benchers, but only for such as are nominated as herein provided and for any number not exceeding the number to be elected at such election.

"(2) No person shall be entitled to vote or be nominated, unless all fees owing by him to the society have been paid before the last day for receiving nominations.

"**13.** At least six weeks prior to the holding of the election, the secretary shall make out a list of the names and addresses of the members of the society who are entitled to vote at such election and transmit a copy of such list by post to each Clerk and Deputy Clerk of the Supreme Court of Alberta, and to the Clerk and Deputy Clerk of every District Court in the Province, and every such Clerk or Deputy Clerk shall forthwith on receipt thereof post such list in a conspicuous place in his office.

"**14.**—(1) In case any member complains to the secretary at least one month before the election of the improper omission or insertion of any name from or on the list, the

secretary shall forthwith examine into the complaint and rectify the error, if any; and in case any person is dissatisfied with the decision of the secretary he may within one week thereafter appeal to the president.

“(2) The president shall forthwith nominate a committee of the benchers, who shall summarily try and decide the questions involved and the list shall remain or be altered in accordance with the decision of the committee.

“(3) No person whose name does not appear on the list as finally settled shall be entitled to vote at such election.

“15. Between the first and tenth days of the month of September, preceding the day of election, notice of such election in form B in the schedule to this Act (or to the like effect) shall be sent by the secretary to each member of the society in good standing.

“16. Every nomination for election as a bencher shall be in writing and the nomination paper shall be signed by at least five members of the society in good standing and filed with the secretary not later than the first Tuesday in October preceding the day of election.

“17.—(1) In the event of only so many candidates being duly and regularly nominated for the office of bencher as are required to be elected, such candidates shall be deemed to have been elected, and in such case no voting papers shall be sent out.

“(2) In case a poll is necessary the secretary shall, not later than the second Tuesday of October, preceding the day of election, send to each member of the society in good standing, at his last known place of residence, a list of the candidates so nominated, arranged in alphabetical order, accompanied by one copy of a voting paper in form A in the schedule to this Act, or to like effect, and the secretary shall also transmit a copy of such list to each Clerk and Deputy Clerk of the Supreme Court of Alberta, and of each District Court of Alberta, and such Clerk or Deputy Clerk shall forthwith upon receipt thereof post such list in a conspicuous place in his office.

“18. In the event of any elector placing more names than the number of benchers to be elected on his voting paper, it shall not be counted.”

4. Section 19 of the said Act is amended by inserting the word “a” between the words “by” and “closed” in the first line thereof, and by striking out the word “papers” where it occurs in the last line, and substituting therefor the word “paper.”

5. Sections 33a, 33b and 33c are added to the said Act immediately after section 33, as follows:

“33a.—(1) If at any time any member of the Law Society has made an admission direct or implied, verbal or written, or it is shown by affidavit or sworn testimony that any monies, securities or other property has been received

by him for a client or other person, the benchers or any investigating committee thereof may at any time, if in their uncontrolled discretion they are of opinion that he has improperly failed to hand over such property or otherwise properly account for the same, direct him to give an accounting of all such property and may direct that he shall make a summary application for leave to pay into or deposit in Court all monies, securities or other property held by him or received by him with respect to such trust and improperly disposed of, or the evidence of title thereto, and may fix a time within which he shall comply with any such direction.

“(2) All such applications shall be granted and the property paid into or deposited in Court shall be paid or made over to the beneficiaries in satisfaction of whose claims it has been paid in or deposited or to the person otherwise entitled thereto.

“(3) Failure to comply with any such direction shall be conduct unbecoming of a barrister or solicitor within the meaning of this Act, and the benchers shall have power to deal with the barrister or solicitor as if an investigating committee had found that a charge or complaint of having been guilty of conduct unbecoming of a barrister or solicitor had been proved.

“**33b.** When in any proceedings before an investigating committee it is established or admitted that a barrister or solicitor has received any monies upon trust and has failed to account for such monies to the person entitled to an account thereof, the burden of proof that such monies have been properly dealt with shall be upon such barrister or solicitor.

“**33c.** The Appellate Division shall not award costs either in favour of or against the Law Society, or in favour of or against a barrister or solicitor complained against under the provisions of this Act.”

6. The schedule to the said Act is amended—
- (a) as to form A thereof, by striking out the word and figures “section 19,” and substituting therefor the word and figures “section 17.”
 - (b) by adding as form B thereof the following:

“FORM B.

“(Section 15.)

“Notice is hereby given that an election of benchers will be held on the first Monday of November next. Your attention is called to section 16 of *The Legal Profession Act* as follows:

“ ‘16. Every nomination for election of a bencher shall be in writing and the nomination paper shall be signed by at least ten members of the society in good standing, and filed with the secretary not later than the first Tuesday in October preceding the day of election.’

“Dated thisday of19...
.....
Secretary.”

7. This Act shall come into force on theday
of19...

No. 48.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL

An Act to amend The Legal Profes-
sion Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1925