

natural life. The Governor in Council may also grant to each of a maximum of four dependent children of a judge who dies while holding office or of a judge who is in receipt of an annuity under the Judges Act, an annuity equal to one fifth of the annuity payable to his widow, or if the judge dies without leaving a widow or such widow is dead, two fifths of the annuity that would have been payable to the judge's widow. Where a judge who was granted an annuity upon his retirement dies, the Governor in Council may grant to the widow an annuity not exceeding one third of the annuity that was granted to him. Two ninths of salary and one third of annuity are the same amount in dollars. An annuity granted to the widow of a judge ceases upon her remarriage. No annuity may be granted if the widow married the judge after he ceased to hold office.

3.5 The legal profession

The adjective "fused" is sometimes used to describe the legal profession in common law Canada since practising lawyers are both called as barristers and admitted as solicitors. Admission to practise is a provincial matter. Statutes setting out the powers and responsibilities of the provincial organizations are: [Alberta] The Legal Profession Act RSA 1970, c.203 as am.; [British Columbia] the Legal Professions Act RSBC 1960, c.214 as am.; [Manitoba] The Law Society Act RSM 1970, c.L-100; [New Brunswick] The Barristers' Society Act, 1931, SNB, 1931, c.50 as am.; [Newfoundland] The Law Society Act RSN 1952, c.115 as am.; [Nova Scotia] Barristers and Solicitors Act RSNS 1967, c.18 as am.; [Ontario] The Law Society Act RSO 1970, c.238; [Prince Edward Island] The Legal Profession Act RSPEI 1951, c.84 as am.; [Saskatchewan] The Legal Profession Act RSS 1965, c.301 as am.; [Northwest Territories] The Legal Profession Ordinance RONWT 1956, c.57 as am.; [Yukon] The Legal Profession Ordinance ROY 1958, c.64 as am. In Quebec the legal profession is divided into the separate branches of advocate and notary and their statutes are the Bar Act, SQ 1966/67, c.77 as am. and the Notarial Act, SQ 1968, c.70.

3.6 Legal aid

For many years the provision of legal services to persons unable to afford the fees normally charged by a lawyer was viewed as a responsibility to be assumed by individual lawyers on a voluntary basis as a form of charity. In more recent times most of the provincial governments have moved to establish publicly funded legal aid programs under which persons of limited means are able to obtain the services of a lawyer in a number of criminal and civil matters at either no cost or modest cost to themselves depending upon the client's financial circumstances. The lawyers who act for clients in matters covered by a provincial legal aid program are then paid by the government, usually at a reduced rate, on a fee for services basis or as a salary depending upon the type of legal aid program operated in the province. The provincial legal aid programs vary considerably in terms of formality, scope of coverage and method of providing the legal services. Some are established by legislative enactment while others exist and operate by way of informal agreements between the provincial government and the law society. Some programs provide for fairly comprehensive coverage in both criminal and civil matters while others at present encompass only criminal offences. Again, some plans operate on a fee for services basis whereas others rely partially or mainly on the services of state salaried lawyers. In some provinces a mixed system is in operation.

In 1971 the federal government entered the field and concluded an agreement with the government of the Northwest Territories for sharing the costs of providing legal aid in both criminal and civil matters for persons in the Territories financially unable to retain the services of a lawyer. This comprehensive legal aid program was implemented on August 17, 1971. In the Yukon Territory the legal aid program is at present a service operated by the territorial bar with the government paying the fees to lawyers who act for legal aid clients charged with criminal offences.

In August 1972, the federal government announced that it was prepared to enter agreements with the provincial governments under which federal funds would be paid to the provinces to assist them in developing or expanding their legal aid programs in matters related to criminal law. Under the agreements, which have now been concluded with the governments of British Columbia, Quebec, New Brunswick, and Nova Scotia, the federal government will contribute up to 50 cents per capita of the provincial population toward the costs of providing lawyers' services to eligible persons subject to criminal charges or proceedings under federal