



WESTERN AUSTRALIA.

ANNO VICESIMO NONO.

VICTORIÆ REGINÆ.

NO. IX.

AN ORDINANCE to regulate the admission in the Supreme Court of Attorneys and Solicitors, there to practise as Barristers, Attorneys, Solicitors, and Proctors.

[7th July, 1865.]

WHEREAS under the provisions contained in "The Supreme Court Ordinance, 1861," no person is eligible to be admitted to practice the Law, unless he has been admitted a Barrister in England or Ireland, or hath kept such a number of Terms at one of the Inns of Court in England as would entitle him to be called to the Bar there, or hath been duly admitted and practised as a Barrister in one of Her Majesty's colonies, or has regularly served five years in the office or offices of some Barrister of this Colony as in the said Ordinance set forth: And whereas it is now considered inexpedient that the practice of the law should remain restricted to members of the Bar, and it is deemed just that facilities should be afforded to Attorneys and Solicitors for obtaining admission as general practitioners in the said Supreme Court; Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

24th Vict. No. 15. S. 16.

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Attorneys and Solicitors, Admission.

Persons to be hereafter admitted as practitioners in the Supreme Court, in addition to those mentioned in 24 Vict., 15, sect. 16.

1. IN addition to the persons described in the sixteenth section of "The Supreme Court Ordinance, 1861," the following persons also shall be eligible to be hereafter admitted to practice in the said several capacities of Barristers, Attorneys, Solicitors, and Proctors, anything in the said Ordinance to the contrary thereof notwithstanding, that is to say;

Attorneys and Solicitors of the Courts in England and Ireland, and Writers to the Signet and Solicitors in Scotland.

First. All persons who have been or shall hereafter be duly admitted and enrolled as Attorneys or Solicitors in any of Her Majesty's Superior Courts of law or equity in England or Ireland, or as Writers to the Signet, or as Solicitors in the Supreme Court of Scotland.

Attorneys and Solicitors of the Superior Courts in Her Majesty's Colonies, where the system of jurisprudence is assimilated to that of England, &c.

Second. All persons who, being subjects of the British Crown, have been or shall hereafter be duly admitted and enrolled as Attorneys and Solicitors in the Superior Courts of Law and Equity in those of Her Majesty's colonies or dependencies where the system of jurisprudence is founded on or assimilated to the common law and principles of equity, as administered in England, and where full service under articles of clerkship to an Attorney-at-law for the space of five years at the least, and an examination to test the qualification of candidates, are or may be required previous to such admission, save only in the case of persons previously admitted as Attorneys or Solicitors in the Superior Courts of Law or Equity in England.

Notices to be given by Attorneys and Solicitors previous to admission.

2. ANY person who shall intend to apply for admission as a Practitioner of the said Supreme Court, on the ground of his having been previously admitted elsewhere as an Attorney or Solicitor, shall, one calendar month before such application be made, cause his name and place of abode, written in legible characters, to be affixed in the office of the Registrar of the Court, and shall also cause notice of his intended application to be twice published in two public newspapers of the colony (if at such time there shall be two such newspapers).

Affidavit to be made and filed with the Registrar.

3. ANY person applying for admission as set forth in the last preceding section of this Ordinance, shall, at the time of giving the notice hereinbefore required, file with the Registrar a Certificate of his previous admission, or a true copy thereof, together with an affidavit which shall contain the following allegations; namely, that the deponent has been admitted in one of the aforesaid Courts; that he has not done or committed any act or thing which would cause his name to be struck off the Roll of such Court, and that, to the best of his knowledge and belief, his name still remains on the Roll thereof; that the Certificate, or copy of the Certificate, annexed to his affidavit is the original Certificate of his admission or a true

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copy thereof, as the case may be, and that he is the person named therein; the time when he ceased to practice; the time of his arrival in the Colony; the name of the ship in which he arrived; the mode of his employment from the time he ceased to practise; the name of, at least, one respectable housekeeper resident within the Colony to whom he is known. And a rule for the admission of the applicant, may be ordered and drawn up on reading such affidavit, or the Court, or the Chief Justice at Chambers, may reject and refuse the application where previous misconduct or long discontinuance of practice in the Law renders the applicant unfit to be admitted a practitioner of the Supreme Court.

Court or Judge may order admission or reject the application.

4. ANY person having reasonable ground to object to the admission of any other person who has given notice of his intention to apply to be admitted as a Practitioner of the Supreme Court, on the ground of his not being entitled to be admitted, or of his having been guilty of some misconduct which, if he was a practitioner of the Court, would subject him to be struck off the Rolls thereof, may enter a Caveat in the Supreme Court office against such admission, and shall at the same time file an affidavit or affidavits wherein shall be distinctly stated the grounds of objection, and thereupon it shall be lawful for the Court, or the Chief Justice at Chambers, if the grounds of objection shall appear to the Court or Judge to be reasonable, to order a rule to be drawn up, calling on the party objected against, to show cause, upon a day to be fixed and appointed in and by the said rule, why his application should not be rejected; and such rule shall be duly served on the party objected to, at least seven days before the day appointed for the attendance thereon. And upon the hearing thereon, it shall be lawful for the Court or the Judge to make such order as shall seem just either for admitting or rejecting the application of the party objected against, and also with respect to costs.

Caveat may be entered against admission.

Rule nisi to issue.

Court may admit or reject applicant.

Costs.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council,
this 7th day of July, 1865.*

G. E. HAMPTON,

Clerk of the Council.