



WESTERN AUSTRALIA.

ANNO OCTODECIMO

VICTORIÆ REGINÆ.

No. IX.

An Ordinance for the further regulation of Practitioners in the Civil Court.

WHEREAS it is expedient to amend the law relative to Prac- Preamble.
titioners in the Civil Court, and to extend the same to per-
sons practising Conveyancing;— Be it therefore enacted, by His Ex-
cellency the Governor of Western Australia and its Dependencies,
by and with the advice and consent of the Legislative Council
thereof—:

I.

Certificate of 1st Wm. 4th, No. 1, not to be granted till after examination of applicants.

Attorney, Practitioner, and Conveyancer.

Exemption of all British Practitioners.

Examiners.

Penalty on uncertificated or unauthorised persons taking fees for acting in a legal capacity.

Information by Advocate General.

Conveyancing costs taxed.

I. THAT from and after the passing of this Ordinance, it shall be incumbent on the Commissioner of the Civil Court of the said colony, and he is hereby authorised and required, before granting any certificate in pursuance of the provisions of the "Act to amend an Act intituled an Act for establishing a Court of Civil Judicature," to examine, or cause to be examined, as hereinafter provided, every person desiring such certificate, by such ways and means as he shall think proper, touching the fitness and capacity of such person to act as an attorney or practitioner of the said Court and a conveyancer; and if the said Commissioner shall be satisfied by such examination, that such person is duly qualified and fit and competent to act as an Attorney or Practitioner and Conveyancer, then, and not otherwise, the said Commissioner shall and may issue such certificate. Provided that every attorney of any Superior Court in the British Dominions shall be exempt from such examination.

II. THAT the said Commissioner may, if he shall think fit, appoint two or more persons, being practitioners of said Court, to act as examiners, who shall examine every person desiring such certificate as aforesaid in manner hereinbefore provided, and shall certify in writing to the said Commissioner their opinion as to the fitness and capacity of such person desiring such certificate as aforesaid.

III. THAT every person who shall, for any fee, gain, or reward, directly or indirectly, draw or prepare any conveyance of or deed relating to any real or personal estate, or any proceedings in law or equity (other than and except duly licensed attorneys or practitioners of the Civil Court having obtained regular certificates, and law officers of the Crown, and other than and except persons solely employed to engross any deed, instrument or other proceedings not drawn or prepared by themselves and for their own account respectively, and other than and except public officers drawing or preparing official instruments applicable to their respective offices and in the course of their duty,) shall forfeit and pay, for every such offence, the sum of £50 Sterling, to be recovered by information at the suit of the Advocate General in the said Court. Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons drawing or preparing any will or other testamentary papers, or any agreement, not under seal or any letter of attorney.

IV. THAT the Rules and Orders for the time being of the said Court

1855.

18th Vict. No. 9.

Court relating to the taxation of costs, shall be taken to apply to all costs charged for conveyancing business done by any attorney or practitioner of the said court.

V. THAT all sums arising from any penalty or forfeiture under this Ordinance shall be applied as follows:—that is to say—after deducting all costs and expenses, one moiety to be paid to the Colonial Treasurer of the said colony for the public uses thereof, and the other moiety to the informer. Fines, half to Colonial Treasurer, half to Inform-er.

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN CHIEF.

*Passed the Legislative Council }
this 17th day of April, 1855. }*

A. O'GRADY LEFROY,
Clerk of the Council.

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*Printed by authority of the Government, by E. Stirling, Perth.*

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