

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XXXIX.

An Act to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in *England*, in certain Cases. [17th *August* 1857.]

WHEREAS in certain of Her Majesty's Colonies and Dependencies, including certain Parts of the Territories under the Government of the *East India* Company, the System of Jurisprudence is founded on or assimilated to that administered in *England*, and the Attornies and Solicitors of the Superior Courts of Law and Equity in *England* are admitted as Attornies and Solicitors in the Courts of Law and Equity of such Colonies and Dependencies, on Production of their Certificates of Admission in the *English* Courts aforesaid; and it is considered just and expedient to afford Facilities to the Attornies and Solicitors of the Superior Courts in certain Colonies and Dependencies for obtaining Admission in Her Majesty's Courts of Law and Equity in *England:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may for all Purposes be cited as "The Colonial Attornies Relief Act." Short Title.

When Act to come into operation.

II. This Act shall not take effect in any One or more of Her Majesty's Colonies or Dependencies until Her Majesty has, by Order in Council, to be made as herein-after mentioned, directed the same to come into operation in respect to such Colony or Dependency.

Attornies and Solicitors of Colonial Courts to be admitted to Courts of Law and Equity in England.

III. All Persons who, being Subjects of the *British* Crown, have been or shall hereafter be duly admitted and enrolled as Attornies 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 Attornies or Solicitors in the Superior Courts of Law or Equity in *England*, such Colonies or Dependencies to be from Time to Time specified in and by Order in Council, as herein-after provided, shall and may be admitted and enrolled Attornies in all or any of the Courts of Queen's Bench, Common Pleas, and Exchequer, and other Courts in *England*, and Solicitors in the High Court of Chancery in *England*, subject as herein-after provided.

No Person to be deemed qualified unless he shall pass an Examination, and produce a Certificate from the Judge of the Court where he was admitted.

IV. No Person shall be deemed qualified to be admitted as Attorney or Solicitor, under the Provisions of this Act, unless he shall pass such Examination to test his Fitness and Capacity as herein-after provided, and shall produce at such Examination a Certificate from the presiding Judge of the Superior Court of Common Law in the Colony or Dependency where such Person shall have been duly admitted an Attorney and Solicitor, and stating the Amount of the Stamps which have been paid by such Person on his Articles of Clerkship and Admission to practise in such Colony, in the Form or to the Effect as contained in Schedule (A.) hereunto annexed, and shall further make Affidavit (in such Manner as shall be provided by Order or Regulation to be made by the Judges of the Superior Courts of Common Law, and the Master of the Rolls respectively, as herein-after provided,) that he is resident within the Jurisdiction of the said Superior Courts of Law and Equity in *England*, and that he has ceased, for the Space of Twelve Calendar Months at the least, to practise as Attorney or Solicitor in any Colonial Court of Law.

Judges of Courts of Common Law to appoint Examiners.

V. It shall be lawful for the Judges of the Courts of Queen's Bench and Common Pleas and Exchequer, or any Three or more of them, as and when any Person shall, under the Provisions of this Act, seek to be admitted as an Attorney, and not as a Solicitor also, and

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for the Master of the Rolls, as and when any Person shall seek as aforesaid to be admitted as a Solicitor, and not as an Attorney also, and for the said Judges or any Three or more of them, and the Master of the Rolls, jointly, when any Person shall seek as aforesaid to be admitted as an Attorney and Solicitor, and he and they are hereby authorized and required, at any Time before he and they shall admit or issue a Fiat for the Admission of any such Person as aforesaid, to examine and inquire by such Ways and Means as he or they shall think proper touching the Qualification and the Fitness or Capacity of such Person to act as an Attorney or Solicitor, or as an Attorney and Solicitor, and for that Purpose it shall be lawful for him or them, from Time to Time as Application for Admission as aforesaid shall be made, to appoint such Persons as Examiners, and to make such Orders and Regulations for conducting such Examination, as he or they shall think proper; and if by any such Examination any of the Judges of the said Courts of Common Law shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as an Attorney, then, and not otherwise, any one of the said Judges shall and he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be administered to Attornies in *England*, and after such Oaths taken to cause him to be admitted an Attorney of such Courts, which Admission shall be written on Parchment, and signed by such Judge, and shall be stamped with the Stamps after mentioned; and if by such Examination the Master of the Rolls shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as a Solicitor, then, and not otherwise, he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be taken, and to cause him to be admitted a Solicitor in the Court of Chancery, and his Name to be enrolled as a Solicitor of such Court, which Admission shall be written on Parchment, and signed by the Master of the Rolls, and shall be stamped with the Stamps after mentioned.

Stamp Duties on Admissions.

VI. The Admission of any Person as an Attorney or Solicitor under the Provisions of this Act shall be stamped with the Stamps by Law required to be impressed on the Admission of Attornies or Solicitors in *England* (as the Case may be), and the Admission first obtained shall be impressed with such further Stamp as shall, together with the Amount of Stamps paid on Articles of Clerkship and Admission in the Colony (to be ascertained as herein-after provided), be equal in Amount to the Sum by Law payable on Articles of Clerkship in *England*.

Power to Her Majesty, by Order

VII. Her Majesty may from Time to Time, by Order in Council, direct this Act to come into operation as to any One or more of Her Majesty's

in Council, to direct this Act to come into operation in any One or more Colony or Dependency.

Majesty's Colonies or Dependencies, and thereupon, but not otherwise, the Provisions of this Act shall apply to Persons duly admitted as Attornies and Solicitors in the Superior Courts of Law and Equity in such Colonies or Dependencies; but no such Order in Council shall be made in respect of any Colony, except upon Application made by the Governor or Person exercising the Functions of Governor of such Colony or Dependency, and until it shall be shown to the Satisfaction of Her Majesty's Principal Secretary of State for the Colonies that the System of Jurisprudence as administered in such Colony or Dependency, and the Qualification for Admission as an Attorney or Solicitor in the Superior Courts of Law and Equity in such Colony or Dependency, answer to and fulfil the Conditions specified in Section Three herein-before contained, and also that the Attornies or Solicitors of the Superior Courts of Law or Equity in *England* are admitted as Attornies and Solicitors in the Superior Courts of Law and Equity of such Colony or Dependency, on Production of their Certificates of Admission in the *English* Courts, without Service or Examination in the Colony or Dependency.

SCHEDULE (A.)

To all whom it may concern, I [*Name and Style of Judge*] do hereby certify, That [*Terms of Certificate of Admission granted to the Attorney in the Colony*], and that the said [*Attorney's Name*] is now duly enrolled as an Attorney-at-Law and Solicitor in this Colony, and entitled to practise as such; and further, that no Charge or Accusation has been established or is pending against the said [ ] in such his Professional Character or otherwise affecting his fair Fame and Repute. And I find that the Sum of £ was paid on Articles of Clerkship when the said was articled, and the Sum of £ on the Certificate of Admission when he was admitted to practise as aforesaid. [*To be signed and attested in the Manner usual in other Certificates granted by the Judge.*]

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