CAP. CXXVII.

An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers. [28th *August* 1860.]

'WHEREAS an Act was passed in the Session holden in the Sixth and Seventh Years of Her Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attorneys and Solicitors practising in* England *and* Wales, and an Act was passed in the Session holden in the Seventh and Eighth Years of Her Majesty, intituled *An Act for the Relief of Clerks to Attorneys and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases:* And whereas by an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, intituled *An Act for amending the several Acts for the Regulation of Attorneys and Solicitors,* the Privileges granted by the said Act of the Sixth and Seventh Years of Her Majesty to Persons having taken certain Degrees in the Universities therein mentioned were extended to Persons having taken the like Degrees in the Queen's University in *Ireland:* And whereas it is expedient to amend the said Act of the Sixth and Seventh Years of Her Majesty, and the Laws relating to Proctors and Certificated Conveyancers, in manner herein-after mentioned:' Be it 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;

6 & 7 Vict. c. 73.

7 & 8 Vict. c. 86.

14 & 15 Vict. c. 88.

Interpretation of Terms.

I. In the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Attorney" shall mean Attorney of One or more of the Superior Courts of Law at *Westminster*, or of the Court of Common Pleas of the County Palatine of *Lancaster*, or of the Court of Pleas of the County Palatine of *Durham;* the Word "Solicitor" shall mean Solicitor of the High Court of Chancery; the Word "Registrar" shall mean Registrar of Attorneys and Solicitors; the Expression "the Roll of Attorneys and Solicitors kept by the Registrar" shall mean the Roll or Book, Rolls or Books of Attorneys and Solicitors, which by the first herein-before mentioned Act the Registrar is required to keep; and the Expression "the Incorporated Law Society" shall mean "the Incorporated Society of Attorneys, Solicitors, Proctors, and others, not being Barristers, practising in the Courts of Law and Equity of the United Kingdom."

Persons having taken Degrees at certain Universities may be admitted after Three Years Service.

II. Section Seven of the first herein-before mentioned Act shall be repealed, and any Person having taken the Degree of Bachelor of Arts or Bachelor of Laws in the University of *Oxford, Cambridge, Dublin, Durham,* or *London,* or in the Queen's University in *Ireland,* or the Degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws, in any of the Universities of *Scotland,* none of such Degrees being honorary Degrees, and who at any Time after having taken such Degree, and either before or after the passing of this Act, has been bound by and has duly served under Articles of Clerkship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an Attorney or Solicitor, and Service for any Part of the said Term not exceeding One Year with the *London* Agent of such Attorney or Solicitor in the Business, Practice, or Employment of an Attorney or Solicitor, either by virtue of any Stipulation in such Articles, or with the Permission of such Attorney or Solicitor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term; and where any Person has before the passing of this Act, and at any Time after having taken such Degree, been bound as aforesaid for Five Years, he may, after having duly served Three Years of such Term in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Articles of Clerkship) of the Attorney or Solicitor to whom he may be bound, to the immediate Determination of his Articles of Clerkship, be admitted and enrolled as an Attorney or Solicitor; and where such Consent is given as aforesaid, and acted upon under this Provision by the Person hereby made eligible to be admitted and

and enrolled as aforesaid, the Articles of Clerkship shall be deemed to have determined as if they had determined by Effluxion of Time.

Persons having been at the Bar may be admitted after Three Years Service.

III. Every Person who has been called to the Degree of Utter Barrister in *England*, and who, before becoming such Barrister, has been bound by Contract in Writing to serve as a Clerk for the Term of Five Years, or who, after ceasing to be a Barrister, has been bound by Contract in Writing to serve as a Clerk for the Term of Three Years, to a practising Attorney or Solicitor, and has in either of the said Cases continued in such Service for the Term of Three Years, and during the whole of such Three Years served in such Manner as is herein-before required in the Case of Persons who have taken Degrees in the said Universities, and having been examined and sworn as aforesaid, after the Expiration of such Term of Three Years (the Examination and Swearing taking place, in the first-mentioned Case, after the Person has ceased to be a Barrister), may be admitted and enrolled as an Attorney or Solicitor: Provided always, that in the Case of any such Person as aforesaid who has been bound for Five Years, it shall be necessary for such Term to be determined with Consent, as herein-before provided in the Case of Persons having taken Degrees, who may have been bound for Five Years before the passing of this Act.

Persons having been bonâ fide Clerks to Attorneys, Solicitors, or Proctors for Ten Years may be admitted after Three Years Service.

IV. Any Person who, either before or after the passing of this Act, shall for the Term of Ten Years have been a *bonâ fide* Clerk to an Attorney, Solicitor, or Proctor, or Attorneys, Solicitors, or Proctors, and during that Term shall have been *bonâ fide* engaged in the Transaction and Performance, under the Direction and Superintendence of such Attorney, Solicitor, or Proctor, or Attorneys, Solicitors, or Proctors of such Matters of Business as are usually transacted and performed by Attorneys, Solicitors, and Proctors, and who shall produce to the Examiners satisfactory Evidence that he has faithfully, honestly, and diligently served as such Clerk, and who after the Expiration of the said Term of Ten Years has been bound by and has duly served under Articles of Clerkship to a practising Attorney, Solicitor, or Proctor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an Attorney and Solicitor or Proctor, and Service for any Part of the said Term not exceeding One Year with the *London* Agent of such Attorney or Solicitor or Proctor in the proper Business, Practice, or Employment of an Attorney, Solicitor, or Proctor, either by virtue of any Stipulation in such Articles, or with the Permission of such Attorney, Solicitor, or Proctor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term; and where any such Person has, before the passing of this Act, been bound for Five Years, he may, after having duly served Three Years of such Term in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Articles of Clerkship) of the Attorney, Solicitor, or Proctor to whom he may be bound, to the immediate Determination of his Articles of Clerkship, be admitted and enrolled as an Attorney and Solicitor; and where such Consent is given as aforesaid, and acted upon under this Provision by the Person hereby made eligible to be admitted and enrolled as aforesaid, the Articles of Clerkship shall be deemed to have determined as if they had determined by Effluxion of Time.

Judges may make Regulations for Persons who have passed certain Examinations before Articles to be admitted after Four Years Service.

V. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may, if they think fit, from Time to Time, by Regulations to be made by them, direct that any Person having successfully passed any Examination now or hereafter to be established in any of the Universities herein-before mentioned, and to be specified in such Regulations, may be admitted and enrolled as an Attorney or Solicitor, after having been subsequently bound by, and having duly served under, Articles of Clerkship to a practising Attorney or Solicitor for the Term of Four Years, and been examined and sworn as aforesaid; and the said Judges may from Time to Time revoke or alter such Regulations as they think fit, but not so as to allow a less Term of Service than Four Years.

Sect. 6. of 6 & 7 Vict. c. 73. extended

VI. Section Six of the first herein-before mentioned Act shall apply as well to any Person bound as therein mentioned as a Clerk to a practising Attorney or Solicitor for the Term

Term of Four Years only, where under the said Regulations that Term is sufficient, as to any Person so bound for the Term of Five Years, and shall be read and construed accordingly.

to Persons articled for Four Years only.

VII. The Contract or Articles whereby any Person shall be bound to serve as a Clerk to any Attorney or Solicitor, and also any Assignment thereof, shall, within Three Months after the same has or have been respectively enrolled and registered pursuant to the first herein-before mentioned Act, be produced to the Registrar, who shall enter the Names of the Parties to and the Date of such Contract or Articles, and also of such Assignment, if any, and the Term of Service, in a Book to be kept for that Purpose, and the Registrar shall mark such Contract or Articles, and such Assignment, if any, as having been so produced and entered, with the Date thereof, and shall be entitled to receive a Fee of Five Shillings for the Entry of such Contract or Articles, and the like Fee for such Assignment, if any, and such Book shall be open to public Inspection during Office Hours without Fee or Reward; and in case such Contract or Articles, and such Assignment, if any, be not so produced to and entered by the Registrar as aforesaid within such Three Months as aforesaid, the Service of the Clerk shall be reckoned to commence from the Date of such Production and Entry, unless upon an Application, of which Notice shall be given to the Registrar, One of the Superior Courts of Law at *Westminster*, or a Judge thereof, or a Judge of the Court of Chancery, shall otherwise order.

Articles of Clerkship to be produced to the Registrar, and entered within Three Months from Enrolment.

VIII. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may from Time to Time make Regulations for the Examination in such Branches of general Knowledge as they may deem proper of all Persons (not having taken Degrees, or successfully passed such University Examinations as aforesaid) hereafter becoming bound under Articles of Clerkship to Attorneys or Solicitors, and the said Judges by such Regulations may require such Examination to be passed either before Persons so become bound or at any Time before their Admission as Attorneys or Solicitors, as to the said Judges may seem fit, and the said Judges may from Time to Time revoke or alter any such Regulations as they think fit, and may from Time to Time appoint Examiners for conducting such Examination as aforesaid; and no Person required to pass such Examination shall be capable of being bound as aforesaid, where such Examination is required to be passed before being bound, or of being admitted as an Attorney or Solicitor where such Examination is permitted to be passed at any Time before Admission, unless before being bound or before being admitted (as the Case may require) he obtain from the Examiners a Certificate of having satisfactorily passed such Examination: Provided always, that the said Judges, or any One or more of them, may, where under special Circumstances they or he see fit so to do, dispense with Compliance with such Regulations entirely or partially, or subject to any such Conditions as to them or him may seem fit.

Judges may require Examination in general Knowledge, either before Articles or before Admission, with Power to dispense therewith in special Cases.

IX. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may from Time to Time, if they see fit, make Regulations for the Examination of Persons hereafter becoming bound under Articles of Clerkship as aforesaid, at such Times or Periods of their Service under such Articles as the said Judges may think fit and direct, in order to ascertain the Progress made by such Persons in acquiring the Knowledge necessary for rendering them fit and capable to act as Attorneys or Solicitors, and such Examination shall be conducted by the Examiners appointed under the first herein-mentioned Act, or such other Examiners as the said Judges may from Time to Time appoint in this Behalf; and the said Judges may by such Regulations, in the Case of Persons who fail to pass such Examination to the Satisfaction of the Examiners, postpone, either for a definite Time or such Time as the said Examiners may in each Case think proper, and either conditionally or otherwise, the Examination required to be passed at the Expiration of the Term of Service under Articles and before Admission.

Judges may require an Examination in legal Knowledge during Articles.

X. No Person hereafter bound by Articles of Clerkship to any Attorney or Solicitor shall, during the Term of Service mentioned in such Articles, hold any Office or engage in any Employment whatsoever other than the Employment of Clerk to such Attorney or Solicitor,

Articled Clerks not to hold other Office or Employment.

Solicitor, and his Partner or Partners (if any) in the Business, Practice, or Employment of an Attorney or Solicitor, save as by the first herein-before mentioned Act or this Act otherwise provided; and every Person bound as aforesaid shall, before being admitted an Attorney or Solicitor, prove by the Affidavit required under Section Fourteen of the first herein-before mentioned Act that he has not held any Office or engaged in any Employment contrary to this Enactment, and the Form of such Affidavit as aforesaid shall be varied by such Addition thereto as may be necessary for this Purpose.

Examination before Admission to extend to all Matters of Business usually transacted or performed by Attorneys or Solicitors.

XI. The Examination which under the first herein-before mentioned Act or this Act is authorized and required touching the Fitness and Capacity of a Person to act as an Attorney or as a Solicitor (as the Case may be), after the Expiration of the Term of his Service under Articles and before his Admission as an Attorney or Solicitor, shall be deemed to include such Examination touching his Fitness and Capacity to act in Matters of Business usually transacted or performed by Attorneys or Solicitors as the Examiners for the Time being deem proper, subject nevertheless to any Rules, Orders, or Regulations for conducting the said Examination to be from Time to Time made in manner provided by the first herein-before mentioned Act.

Where the Three, Four, or Five Years expire in any Vacation, Examination may take place in Term preceding such Vacation.

XII. Whenever any of the Periods of Three Years, Four Years, and Five Years mentioned in this Act or in the first herein-before mentioned Act (whether the same Period shall have commenced before or after the passing of this Act) shall expire in any Vacation, then and in such Case any Person whose Period of Clerkship shall so expire shall be at liberty to pass his Examination in the Term immediately preceding the said Vacation; and at any Time in or after such Vacation, and after the said Period of Clerkship shall have expired, the Master of the Rolls as to the Court of Chancery and any One of the Judges as to the Courts of Common Law at *Westminster*, on being satisfied by Affidavit or otherwise that the Period of Clerkship of such Person has expired, may proceed to administer to him the Oath mentioned in the first herein-before mentioned Act and the Oath of Allegiance, and may do all other Acts necessary for or towards the Admission and Enrolment of such Person as an Attorney and Solicitor as provided in the said last-mentioned Act.

Persons not to be admitted in Palatine Courts without Examination.

XIII. No Person hereafter bound by Articles of Clerkship to any Attorney of the Court of Common Pleas of the County Palatine of *Lancaster*, or of the Court of Pleas of the County Palatine of *Durham*, shall be capable of being admitted and enrolled as an Attorney of such respective Court, unless after the Expiration of his Term of Service he have been examined touching his Articles and Service, and his Fitness and Capacity to act as an Attorney of Her Majesty's Superior Courts of Law at *Westminster*, or a Solicitor of the High Court of Chancery, in like Manner as is required before Admission as an Attorney of the said Courts of Law, or One of them, or a Solicitor of the Court of Chancery, and the Judge or Judges of such respective Court of the County Palatine of *Lancaster* or *Durham* be satisfied by such Examination, or the Certificate of the Examiners, of his being qualified to act as an Attorney or Solicitor: Provided always, that the Enactments contained in the Twelfth Section of this Act shall extend and apply, *mutatis mutandis*, to Persons hereafter bound by Articles of Clerkship to Attorneys of the Court of Common Pleas of the County Palatine of *Lancaster* and the Court of Pleas of the County Palatine of *Durham* respectively, and to the Judges of those Courts respectively.

Attorneys or Solicitors of the Courts of Lancaster and Durham may be admitted to Court of Chancery and Superior Courts of Law at Westminster.

XIV. All Persons who previously to the passing of this Act shall have been duly admitted and enrolled Attorneys or Solicitors of the Courts of the Counties Palatine of *Lancaster* and *Durham*, or either of them, shall and may be admitted and enrolled Attorneys and Solicitors of the High Court of Chancery, and in Her Majesty's Superior Courts of Law at *Westminster*, in pursuance of the Provisions of this Act, without further Examination, upon Payment of such Fees and Duty as by Law required: Provided always, that such Admission and Enrolment be perfected on or before the First Day of *Trinity* Term One thousand eight hundred and sixty-one.

Persons admitted as Writers to the Signet, &c.

XV. Every Person who has been admitted and enrolled as a Writer to the Signet, or as a Solicitor in the Supreme Courts of *Scotland*, or as a Procurator before any of the Sheriff Courts of *Scotland*, and who, after being so admitted and enrolled, has been bound by

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and has duly served under Articles of Clerkship in *England* or *Wales* to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an Attorney and Solicitor; and Service for any Part of the said Term not exceeding One Year with the *London* Agent of such Attorney or Solicitor in the proper Business, Practice, or Employment of an Attorney or Solicitor, either by virtue of any Stipulation, or with the Permission of such Attorney or Solicitor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term.

may be enrolled as Attorneys and Solicitors.

XVI. In every Case where by statutory Provision or by Custom the Qualification of a Solicitor or Attorney to hold any Office is his having been admitted and enrolled as an Attorney or Solicitor a prescribed Period, every Person who either before the passing of this Act has been or hereafter shall be called to the Degree of Utter Barrister in *England*, and who having been subsequently disbarred has been admitted and enrolled as an Attorney or Solicitor, shall, in lieu of such Qualification as aforesaid, be qualified to hold any such Office on the Completion of the prescribed Period, to be reckoned from the Date of such Person being called to the Degree of an Utter Barrister in *England*.

Provision as to Admission to Offices of Solicitors who have been Utter Barristers.

XVII. The Masters or other Officers having respectively the Custody of the Rolls or Books kept for the Enrolment of Attorneys or Solicitors in the Superior Courts of Law at *Westminster*, the Court of Chancery, the Court of the Duchy Chamber of *Lancaster* at *Westminster*, and the Courts of the Counties Palatine of *Lancaster* and *Durham*, shall, within Seven Days after the End of every Term, transmit to the Registrar, at the Expense of such Registrar, a Copy, under the Hands of such Masters or Officers respectively, or under the Seals of their respective Courts, of such Rolls or Books, so far as the same relate to Attorneys or Solicitors enrolled within such Term.

Officers having Custody of Roll of Attorneys and Solicitors to transmit to Registrar Copies of Enrolments at the End of each Term.

XVIII. From and after the Fifteenth Day of *November* next after the passing of this Act, instead of separate annual stamped Certificates for Attorneys and Solicitors to be issued by the Commissioners of Inland Revenue as now required by Law, the Stamp Duties chargeable on such Certificates shall be denoted upon the Registrar's Certificates; and upon any such Certificate being stamped accordingly, and the Date of the Payment of the Duty certified by the proper Officer by Writing under his Hand, or by other sufficient Means, the same shall be and be deemed the proper stamped Certificate required by Law to be taken out by the Attorney or Solicitor named therein.

Registrar's Certificates to be made the stamped Certificates of the Commissioners of Inland Revenue.

XIX. For determining the Rate of Stamp Duty payable on the Certificate, the Place or Places where the Attorney or Solicitor shall carry on his Business shall be deemed to be the Place or Places of his Residence, within the Meaning of the Acts relating to the Stamp Duties on Certificates; and after the said Fifteenth Day of *November* the Declaration required to be delivered to the Registrar for the Purpose of obtaining his Certificate, and also the Certificate to be granted thereon, shall accordingly specify the Place or Places where the Attorney or Solicitor by or for whom the Certificate is required so carries on his Business, and shall respectively be in the Forms (A.) and (B.) contained in the Schedule to this Act.

The Amount of Stamp Duty to be determined by the Place of Business.

XX. The Declaration required to be made for the Purpose of obtaining the Registrar's Certificate shall be made out and signed in Duplicate, and One of such Duplicates shall be delivered to and left with the Registrar, and the other produced to him, and the Duplicate so produced, together with the Certificate granted on such Declaration, shall be left with the Commissioners, or their proper Officer, on applying to have the Certificate stamped, and shall be and be deemed the Note in Writing required by Law to be delivered to the Commissioners, or their Officer, to entitle the Attorney or Solicitor to a stamped Certificate; and for every such Certificate issued by the Registrar, and the previous requisite Search and Inquiry, there shall be paid to him the Sum of Five Shillings, and the Registrar shall yearly render an Account of all Sums of Money received in respect thereof, and of the Application of the same, to the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, who may from Time to Time, by Order under their Hands, diminish

The Declaration, on applying for the Registrar's Certificate, to be in Duplicate, and One Copy to be left with the Commissioners.

Fees for Registrar's Certificate and for the Examinations.

diminish such Sum as they think fit; and the said Lords Chief Justices and Lord Chief Baron, jointly with the Master of the Rolls, by Order under their Hands, may also fix and regulate the Fees to be taken for the several Examinations by this Act authorized to be instituted, and may increase or diminish such Fees from Time to Time: Provided always, that a Copy of such Account so rendered as aforesaid shall be open to the Inspection of any Attorney or Solicitor at the Hall of the Incorporated Law Society.

Certificate to be entered with the Registrar; the Commissioners to supply Particulars where stamped before 2d January.

XXI. For enabling the Registrar to enter upon the Roll of Attorneys and Solicitors kept by him a Note or Minute of the Time of stamping every Certificate, the Commissioners shall, whenever the same shall be required after the Fifteenth Day of *February* in every Year, furnish to the Registrar an Account of the Certificates issued between the Fifteenth Day of *November* and the Second Day of *January* preceding, for which during the same Period the Stamp Duties have been paid, specifying the Names and Places of Business of the Parties respectively to or for whom the same have been issued, and the Dates of Payment of the Stamp Duties; or in lieu of such Account, the Commissioners at their Option shall return to the Registrar the aforesaid Duplicate Declarations to which such Certificates relate, with a Note or Memorandum on each of them specifying the Date of Payment of the Stamp Duty for the Certificate; and the Registrar shall upon such Account being furnished, or such Duplicate Declarations being returned to him as aforesaid, enter such Note or Minute as aforesaid; and in order to such Entry being made in respect of Certificates stamped at any other Time, every such last-mentioned Certificate shall, within a Month of the Payment of the Duty, be produced to the Registrar, who shall thereupon make such Entry, and signify the same by a Note or Memorandum upon the Certificate; and every such last-mentioned Certificate which shall not be so produced within the said Period shall have effect only as a Qualification to practise from the Time when it shall be produced: Provided that it shall be lawful for the Master of the Rolls in the Case of a Solicitor, or One of the Superior Courts of Law at *Westminster* or One of the Judges thereof, in the Case of an Attorney, at any Time to make an Order directing that any Certificate not so produced shall have effect upon and from the Time of stamping the same, or any subsequent Period.

Where stamped after 1st January, Certificate to be produced by the Party, to be entered within a Month.

When Certificate to bear Date and when to determine.

XXII. Every Certificate issued by the Registrar between the Fifteenth Day of *November* and the Sixteenth Day of *December* in any Year shall bear Date on the Sixteenth of *November*, and shall take effect on that Day for all Purposes, provided it be stamped before the Sixteenth Day of *December*; and in every such Case the Sixteenth Day of *November* shall, for the Purpose of this Act, be deemed to be the Date of the Payment of the Duty; but if such Certificate be not so stamped, it shall take effect, as regards the Qualification to practise, on the Day on which it is stamped; and every Certificate issued at any other Time shall bear Date on the Day on which it is issued, and subject to the Provision herein contained relating to Certificates stamped after the First Day of *January* in any Year, and not produced within a Month to be entered by the Registrar, shall take effect as regards such Qualification on the Day on which it is stamped; and every Certificate shall be and continue in force from the Day on which it shall take effect as aforesaid, until the Fifteenth Day of *November* next following, inclusive, and no longer: And any List of Attorneys, Solicitors, and Conveyancers, purporting to be published by the Authority of the Commissioners of Inland Revenue, and to contain the Names of Attorneys, Solicitors, and Conveyancers who have obtained stamped Certificates for the current Year on or before the First Day of *January* in the same Year, shall, until the contrary be made to appear, be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons named therein as Attorneys, Solicitors, or Conveyancers holding such Certificates as aforesaid for the current Year are Attorneys, Solicitors, or Conveyancers holding such Certificates; and the Absence of the Name of any Person from such List shall, until the contrary be made to appear, be Evidence as aforesaid that such Person is not qualified to practise as an Attorney, Solicitor, or Conveyancer under a Certificate for the current Year; but in the Case of any Person being an Attorney or Solicitor whose Name does not appear in such List, an Extract from the Roll of Attorneys and Solicitors kept by the Registrar, certified under the Hand of the Secretary of the Incorporated Law Society (while such Society performs the Duties of Registrar),

Law Lists to be primâ facie Evidence.

Registrar), or of the Registrar for the Time being, shall be Evidence as aforesaid of the Facts appearing in such Extract, and in the Case of any Person being a Conveyancer whose Name does not appear on such List, the Fact of his being so shall be proved in the Way in which it is now by Law required to be proved.

In case of Neglect for a Year to renew Certificate, Order of Court or Judge necessary.

XXIII. If any Attorney or Solicitor after having at any Time taken out a stamped Certificate shall for the Space of a whole Year from and after the Expiration thereof have neglected to renew the same for the following Year, the Registrar shall not afterwards grant a Certificate to such Attorney or Solicitor, except under an Order of the Master of the Rolls in the Case of a Solicitor, or of One of the Superior Courts of Law at *Westminster*, or of One of the Judges thereof, in the Case of an Attorney; and it shall be lawful for the Master of the Rolls, or such Court or Judge, to direct the Registrar to issue a Certificate to such Person upon such Terms and Conditions as he or they shall think fit.

Rule for striking Attorneys off the Roll to be entered with the Registrar.

XXIV. Where the Name of any Attorney or Solicitor is ordered to be struck off the Roll of Attorneys or Solicitors of any Court, on his own Application or on the Application of any other Person, the Rule or Order for that Purpose shall forthwith, and before the same is acted upon, be produced to the Registrar, and the Registrar shall enter a Note or Minute of such Rule or Order in connexion with the Name of such Attorney or Solicitor on the Roll of Attorneys and Solicitors kept by the Registrar, and shall strike such Name off such Roll, and shall mark such Rule or Order as having been entered.

An Attorney struck off the Roll of One of the Courts to be struck off the Rolls of other Courts.

XXV. The Name of every Person hereafter struck off the Roll of Attorneys of any of the Superior Courts of Law at *Westminster* by the Rule of any of such Courts, or off the Roll of Solicitors of the Court of Chancery by Order of any Judge of that Court, shall upon Production of an Office Copy of such Rule or Order, and an Affidavit of the Identity of the Person named therein, to the proper Officer of every or any other of the said Courts of which such Person is an Attorney or Solicitor, be struck off the Roll of such Court; and in case any such Person be at any Time thereafter restored to the Roll by the Rule of the Court or Order of any Judge of the Court, by the Rule of which or the Order of a Judge of which his Name was struck off such Roll, he shall upon Production of an Office Copy of the Rule or Order so restoring him, with an Affidavit of the Identity of the Person named therein, to the proper Officer of every or any such other Court, be restored to the Roll thereof without Payment of any Fee or Fine whatsoever.

Penalty for wrongfully acting as an Attorney or Solicitor.

XXVI. Every Person who acts as an Attorney or Solicitor contrary to the Enactment in Section Two of the first herein-before mentioned Act, or who in his own Name, or in the Name of any other Person, in anywise acts as a Proctor in or with respect to any Proceeding in the Court of Probate or the Court for Divorce and Matrimonial Causes, without being duly qualified so to act, shall be deemed guilty of a Contempt of the Court in which the Action, Suit, Cause, Matter, or Proceeding in relation to which he so acts is brought, had, or taken, and may be punished accordingly, and shall be incapable of maintaining any Action or Suit for any Fee or Reward for or in respect of anything done or any Disbursement made by him in the Course of so acting, and shall, in addition to any other Penalty or Forfeiture and to any Disability to which he may be subject, forfeit and pay for every such Offence the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action brought with the Sanction of Her Majesty's Attorney General, in the Name of the Incorporated Law Society, in any of the Superior Courts of Law at *Westminster*, or in any County Court, and such Penalty shall be applied in like Manner as Fines imposed for practising without a stamped Certificate are now by Law applicable.

Power to Court of Chancery to order Payment of Interest on Costs in certain Cases.

XXVII. Whenever a Decree or Order is made by the Court of Chancery, in which the Payment of any Costs previously taxed, either in the Suit or Proceeding in which such Decree or Order is made, or in any other Suit or Proceeding, is ordered, and whether the Certificate of such previous Taxation have been made before the passing of this Act, or be made thereafter, it shall be lawful for the Court or Judge making such Decree or Order to order and direct the Amount of such Costs, as taxed, including the Costs of Taxation as ascertained

ascertained by the said Certificate, to be paid, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, from the Date of the Certificate, the Amount of such Interest to be verified by Affidavit, and to be payable and recoverable out of the same Fund or in the same Manner as the Amount of such Costs.

Power to Courts of Justice to charge Property recovered with Payment of Costs.

XXVIII. In every Case in which an Attorney or Solicitor shall be employed to prosecute or defend any Suit, Matter, or Proceeding in any Court of Justice, it shall be lawful for the Court or Judge before whom any such Suit, Matter, or Proceeding has been heard, or shall be depending, to declare such Attorney or Solicitor entitled to a Charge upon the Property recovered or preserved, and upon such Declaration being made such Attorney or Solicitor shall have a Charge upon and against and a Right to Payment out of the Property, of whatsoever Nature, Tenure, or Kind the same may be, which shall have been recovered or preserved through the Instrumentality of any such Attorney or Solicitor, for the taxed Costs, Charges, and Expenses of or in reference to such Suit, Matter, or Proceeding; and it shall be lawful for such Court or Judge to make such Order or Orders for Taxation of and for raising and Payment of such Costs, Charges, and Expenses out of the said Property as to such Court or Judge shall appear just and proper; and all Conveyances and Acts done to defeat, or which shall operate to defeat, such Charge or Right, shall, unless made to a *bonâ fide* Purchaser for Value without Notice, be absolutely void and of no Effect as against such Charge or Right: Provided always, that no such Order shall be made by any such Court or Judge in any Case in which the Right to recover Payment of such Costs, Charges, and Expenses is barred by any Statute of Limitations.

Provision for Costs in Matters of Lunacy in case of Death.

XXIX. In every Case in which an Attorney or Solicitor has been or shall be employed to prosecute or oppose any Inquiry whether a Person is a Lunatic, Idiot, or of unsound Mind, and incapable of managing himself or his Affairs, or in or about any Proceedings consequent upon such Inquiry, and the Costs of such Attorney or Solicitor have not been paid in the Lifetime of such Person, it shall be lawful for the Lord High Chancellor or the Lords Justices, or other the Person or Persons intrusted by Her Majesty with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, to make such and the like Orders and to exercise the like Power and Authority for Taxation of and for raising and Payment of such Costs after the Death of such Person as could or might have been exercised or made in his Lifetime; and such Orders and Proceedings shall be as valid and effective to all Intents and Purposes as if made in the Lifetime of the Lunatic: Provided always, that it shall not be lawful for the Court or Judge to make any such Order but within Six Years next after the Right to recover such Costs, Charges, and Expenses shall have accrued.

All future Authorities to administer Oaths or take Acknowledgments to be registered.

XXX. Every Authority granted after the passing of this Act to any Attorney to administer Oaths and take Declarations and Affirmations in Matters depending in any of the Superior Courts of Law at *Westminster*, or in the Court of the Duchy Chamber of *Lancaster* at *Westminster*, or in any of the Courts of the Counties Palatine of *Lancaster* and *Durham*, and every Authority granted after the passing of this Act to any Solicitor to administer Oaths and take Declarations, Affirmations, and Attestations of Honour in Chancery, and whether any such Authority as aforesaid be to act in *England* or to act out of *England*, and every Appointment made after the passing of this Act of any Attorney or Solicitor under Section Eighty-one of the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, "for the Abolition of Fines and Recoveries, and for the Substitution of more "simple Modes of Assurance," to be a perpetual Commissioner for taking Acknowledgments of married Women under that Act, shall, before any such Authority or Appointment is acted upon, be brought to the Registrar by the Person to whom the same is granted, or some Person on his Behalf, and the Registrar shall, in Books to be kept for that Purpose, enter the Particulars of every such Authority or Appointment, and for the Entry of every such Authority or Appointment the Registrar shall be paid by or on behalf of the Person having such Authority or Appointment the Sum of One Shilling, and the Registrar shall mark such Authority or Appointment as having been entered, and with the Date of the Entry, and such Books shall at all Times be open to public Inspection during Office Hours without Fee or Reward.

XXXI. For

Provisions for Registration of of existing Authorities.

XXXI. For enabling the Registrar to form a complete Register of all such Authorities and Appointments as aforesaid, as well those granted or made before the passing of this Act as those granted or made thereafter, the Principal Secretary of the Lord Chancellor, or other the Officer having the Care and Custody of the Lists of Authorities now in force for the Purposes aforesaid, so far as they relate to the Court of Chancery, and the Clerks of the Lord Chief Justices of the Courts of Queen's Bench and Common Pleas, and of the Lord Chief Baron of the Court of Exchequer, or other the Officers having the Care and Custody of the Lists of Authorities now in force for the Purposes aforesaid, so far as they relate to such Courts respectively, and the Officers of the Court of the Duchy Chamber of *Lancaster* at *Westminster*, and the Courts of the Counties Palatine of *Lancaster* and *Durham*, having the Care and Custody of the Lists of Authorities now in force for the Purposes aforesaid, so far as they relate to such Courts respectively, and the Officer of the Court of Common Pleas with whom the Certificates of the said Acknowledgments of married Women are lodged, so far as regards all Appointments now in force for taking the said Acknowledgments, shall severally, at the Expense of the Registrar, prepare and transmit to such Registrar, with all convenient Speed after the passing of this Act, a List of the Persons having such Authorities and Appointments as aforesaid, with the Particulars thereof, and the Places of Business of such Persons, and the Registrar shall enter the Particulars of all such Authorities and Appointments now in force in Books to be kept for that Purpose, which shall be open to Inspection as aforesaid.

How Orders, &c. authorized by this Act may be made.

XXXII. All Regulations and Acts authorized by this Act to be made or done by the Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may be made or done by any Two of them the said Chief Justices and Chief Baron, jointly with the Master of the Rolls.

Saving Provisions enabling other than Attorneys to act.

XXXIII. Nothing in this Act shall extend to repeal, prejudice, or affect any Provision in any Act of Parliament in anywise enabling any Person other than an Attorney or Solicitor to conduct, defend, or otherwise act in relation to any Suit, Matter, or Proceeding.

Stamped Certificates not to be issued to Conveyancers under the Bar without the Benchers annual Permission.

XXXIV. From and after the Thirty-first Day of *October* next after the passing of this Act it shall not be lawful for the Commissioners of Inland Revenue, or any of their Officers, to grant or issue in any Year to any Person any such stamped Certificate as is required to be taken out by every Person who after the passing of this Act shall become a Member of One of the Four Inns of Court in *England* practising under the Bar as a Conveyancer, unless and until he have left with the said Commissioners or their proper Officer an Order of the Benchers of the Inn of Court of which the Applicant is a Member, granting him Permission for that Year to take out such Certificate or a Copy of such Order certified under the Hand of their Treasurer, Sub-treasurer, or Steward: Provided always, that this Clause shall not extend or apply to any Person who at the Time of the passing of this Act shall be lawfully practising as a Certificated Conveyancer.

Act to extend to England and Wales.

XXXV. This Act shall only extend to *England* and *Wales*, save as herein otherwise expressly provided.

6 & 7 Vict. c. 73. and this Act to be as One.

XXXVI. The first herein-before mentioned Act and this Act shall be construed together as One Act.

SCHEDULES to which the Act refers.

SCHEDULE (A.)

Form of Registrar's Certificate.

Pursuant to an Act passed in the Session of Parliament holden in the and Years of the Reign of Queen Victoria, intituled [*Title of this Act*], the Incorporated Law Society [*or the Name of the Registrar for the Time being*], the Registrar of Attorneys and Solicitors appointed under the Act of the Session holden in the Sixth and Seventh

Seventh Years of Queen Victoria, "for consolidating and amending several of the Laws "relating to Attorneys and Solicitors practising in England and Wales," hereby certifies, That Attorney-at-Law [*or* Solicitor in Chancery, *as the Case may be*], whose Place [*or* Places] of Business is [*or* are] at hath this Day delivered and left with the Secretary of the said Society [*or* the said, *the Name of the Registrar for the Time being*] a Declaration in Writing, signed by the said Attorney [*or* Solicitor], [*or* by his Partner, *or* by his London Agent on his Behalf, *as the Case may be*], containing his Name, and Place or Places of Business, and the Court or One of the Courts of which he is admitted an Attorney or Solicitor, together with the Term and Year in or as of which he was so admitted; and the said Society [*or* the said, *the Name of the Registrar for the Time being*] hereby further certifies, that the said Attorney [*or* Solicitor] is duly enrolled in the Court of Queen's Bench at Westminster [*or as the Case may be*], [*or* a Solicitor in the High Court of Chancery], and is entitled to practise as such Attorney or Solicitor, upon this Certificate being duly stamped as required by Law. Given under the Hand of the Secretary of the Incorporated Law Society [*or* the said, *the Name of the Registrar for the Time being*], this Day of 18 .

Signature of the Secretary of the Incorporated Law Society [or, Signature of the Registrar for the Time being].

SCHEDULE (B.)

FORM OF ANNUAL DECLARATION FOR OBTAINING THE REGISTRAR'S CERTIFICATE.

No.

I HEREBY declare, That I [*or A.B.*] was admitted an Attorney of the Court of in Term, in the Year and that my [*or* his] Place or Places of Business are as follow:

Dated this 18 .
A.B. [*or C.D.*, Partner (*or* London Agent) of the said *A.B.*]

To

The Registrar of Attorneys and Solicitors.

C A P. CXXVIII.

An Act to enable the Lord Chancellor and Judges of the Court of Chancery to carry into effect the Recommendations and Suggestions of the Chancery Evidence Commissioners by General Rules and Orders of the Court.

[28th *August* 1860.]

'WHEREAS by Commissions under the Great Seal, dated respectively the Eighteenth 'Day of *August* and the Thirteenth Day of *October* One thousand eight hundred and 'fifty-nine, Commissioners were appointed to inquire into the Mode of taking Evidence in 'the High Court of Chancery and its Effects: And whereas Two Reports from the said 'Commissioners have since been made to Her Majesty: And whereas Doubts have been 'entertained whether Effect can be given to the Recommendations and Suggestions of the 'said Reports by General Orders of the Court without the Authority of Parliament:' Be it declared and 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:

Power for Lord Chancellor and Judges to

I. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or any Three