Power to defendant to give certain evidence in mitigation of damages.

6. At the trial of an action for a libel contained in any newspaper the defendant shall be at liberty to give in evidence in mitigation of damages that the plaintiff has already recovered (or has brought actions for) damages or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as the libel for which such action has been brought.

Obscene matter need not be set forth in indictment or other judicial proceeding.

7. It shall not be necessary to set out in any indictment or other judicial proceeding instituted against the publisher of any obscene libel the obscene passages, but it shall be sufficient to deposit the book, newspaper, or other documents containing the alleged libel with the indictment or other judicial proceeding, together with particulars showing precisely by reference to pages, columns, and lines in what part of the book, newspaper, or other document the alleged libel is to be found, and such particulars shall be deemed to form part of the record, and all proceedings may be taken thereon as though the passages complained of had been set out in the indictment or judicial proceeding.

Repeal of 44 & 45 Vict. c. 60. s. 3. Order of Judge required for prosecution of newspaper proprietor, &c.

8. Section three of the forty-fourth and forty-fifth Victoria, chapter sixty, is hereby repealed, and instead thereof be it enacted that no criminal prosecution shall be commenced against any proprietor, publisher, editor, or any person responsible for the publication of a newspaper for any libel published therein without the order of a Judge at Chambers being first had and obtained.

Such application shall be made on notice to the person accused, who shall have an opportunity of being heard against such application.

Person proceeded against criminally a competent witness.

9. Every person charged with the offence of libel before any court of criminal jurisdiction, and the husband or wife of the person so charged, shall be competent, but not compellable, witnesses on every hearing at every stage of such charge.

Extent of Act.

10. This Act shall not apply to Scotland.

Short title.

11. This Act may be cited as the Law of Libel Amendment Act, 1888.

CHAPTER 65.

An Act to provide for the custody of the Roll of Solicitors of the Supreme Court in England by the Incorporated Law Society, and otherwise to amend the law relating to Solicitors. [24th December 1888.]

WHEREAS the office of Clerk of the Petty Bag has recently, on the death of the late holder of that office, been abolished:

And whereas the custody of the roll of solicitors of the Supreme Court of Judicature in England was up to that date entrusted to the Clerk of the Petty Bag, and it is now expedient to transfer its custody to the Incorporated Law Society as Registrar of Solicitors, and it is also expedient to make other amendments in the law relating to solicitors of the Supreme Court:

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:

Preliminary.

Short title.

1. This Act may be cited as the Solicitors Act, 1888.

Commencement of Act.

2. This Act, so far as it relates to the power of certain of Her Majesty's judges to make rules thereunder, shall come into operation on its passing, and for all other purposes shall (save as otherwise expressed) come into operation on the first day of February one thousand eight hundred and eighty-nine, which date is in this Act referred to as the commencement of this Act.

Extent of Act.

3. This Act shall not extend to Scotland or Ireland.

Interpretation.

4. In this Act—

"Solicitor" means solicitor of the Supreme Court of Judicature in England.

"The Incorporated Law Society" or "the Society" means the Society referred to under that title in the Solicitors Act, 1843.

6 & 7 Vict. c. 73.

"The Registrar" means the Registrar of Solicitors.

"Articles of clerkship" or "articles" includes every contract binding a person to serve as clerk to a solicitor under the Solicitors Act, 1843, and the enactments amending that Act.

Custody of Roll of Solicitors.

Transfer to Incorporated Law Society of roll of solicitors.

5. The books containing the roll of solicitors, and any other documents relating thereto, heretofore in the custody of the Clerk of the Petty Bag, shall, as soon as may be after the passing of this Act, be transferred to and be kept in the custody of the Incorporated Law Society as Registrar of Solicitors; and all affidavits, orders, and documents heretofore required to be filed or delivered at the Petty Bag Office shall henceforth be filed with or delivered to the Society; and all powers and duties of the Clerk of the Petty Bag in relation to the roll of solicitors or to solicitors shall henceforth (subject to the repeals effected by and to the other provisions of this Act) be performed and exercised by the Society: Provided that the Master of the Rolls shall have and exercise all the powers and jurisdiction with regard to all the matters in this section mentioned which he had and might have exercised if this Act had not been passed.

Inspection of roll.

6. The roll of solicitors shall, during office hours, be open to the inspection of any person without fee or reward.

As to Articles of Clerkship.

Articles of clerkship to be registered by Registrar.

2. Any articles binding any person to serve as clerk to a solicitor, and not registered before the passing of this Act, shall, within six months of the date thereof, be produced to the Registrar, who, on being satisfied of the due execution of the articles, shall enter in a book the names and addresses of the parties to and the date of the articles, and the date of the entry.

For every such entry the Registrar shall be entitled to receive a fee of five shillings; and the book in which the entries are made shall, during office hours, be open to inspection by any person without fee or reward.

The Registrar may, before making such entry as aforesaid, require the execution of any articles to be verified by a statutory declaration or otherwise as may be thought fit by the Registrar.

Provision if articles not registered within six months.

8. If articles are not produced to the Registrar for entry within six months of the date thereof, they may be subsequently produced and entered; but in that case the service of the clerk shall be reckoned to commence from the date of the production for entry, unless the Master of the Rolls shall otherwise direct.

Case of fresh articles.

9. The enactments of this Act with respect to the production and entry of articles apply to fresh articles under section thirteen of the Solicitors Act, 1843, in the same manner as they apply to the original articles.

Admission.

Admission as solicitor by Master of the Rolls.

10. A person who has obtained from the Society a certificate of having passed a final examination may apply to the Master of the Rolls to be admitted as a solicitor; and thereupon the Master of the Rolls, unless cause to the contrary is shown to his satisfaction, shall by writing under his hand admit, in such manner and form as he shall from time to time direct, such person to be a solicitor.

Enrolment of persons admitted.

11. On production of the admission signed by the Master of the Rolls, and on payment of a fee not exceeding five pounds to the Society, it shall be the duty of the Society as Registrar to cause the name of the person admitted to be entered on the roll of solicitors.

Striking off the Roll.

Constitution of committee.

12. For the purpose of hearing any application to strike a solicitor off the roll of solicitors, or an application to require a solicitor to answer allegations contained in an affidavit, the Master of the Rolls shall appoint a committee of not less than three nor more than seven of the members of the Council of the Society, in this Act called "the committee."

The Master of the Rolls may from time to time remove any member from the committee, or fill any vacancy in the committee, or add to its number, provided that the number shall not exceed seven or be less than three.

No application shall be heard before less than three members of the committee.

Applications to be made to committee; report of committee.

13. An application to strike the name of a solicitor off the roll of solicitors (whether at the instance of the solicitor himself or of any other person), or an application to require a solicitor to answer allegations contained in an affidavit, shall be made to and shall be heard by the committee, in accordance with rules to be made under the authority of this Act.

The committee, after hearing the case, shall embody their finding in the form of a report to the High Court of Justice, except where the application is made at the instance of the solicitor himself, in which case the report shall be made to the Master of the Rolls, who shall make such order thereon as he shall think fit.

If the committee are of opinion that there is no primâ facie case of misconduct against the solicitor, the Society need not take any further proceedings; but if the committee are of opinion that there is a primâ

facie case, it shall be the duty of the Society to bring the report of the committee before the court.

The report shall have the same effect, and shall be treated by the court in the same manner, as a report of a master of the court; and the court may make such order thereon as to the court may seem fit.

Provided that any person who but for this Act would have been entitled to apply to the court to strike a solicitor off the roll of solicitors, or to apply to require a solicitor to answer allegations contained in an affidavit, shall be entitled so to apply although the committee is of opinion that there is no primâ facie case of misconduct against the solicitor, and shall be entitled to be heard if the Society brings the report of the committee before the court.

Power to administer oaths, &c.

14. The committee may administer and take oaths and affirmations for the purpose of an inquiry on any application made to them under this Act.

Rules as to procedure before committee.

15. The Master of the Rolls, with the concurrence of the Lord Chancellor and of the Lord Chief Justice of England, or one of them, may make, and from time to time alter and revoke, rules for regulating the making, hearing, and determining applications to the committee under this Act, and reports by the committee to the court under this Act, and generally for the purpose of the execution of the provisions of this Act.

Miscellaneous.

Jurisdiction as to renewal of annual certificate.

16. If a solicitor who has obtained the Registrar's certificate entitling him to practise neglects for twelve months after the expiration of such certificate to obtain a fresh certificate, and subsequently applies for a fresh certificate, it shall be in the discretion of the Registrar to grant or refuse the application, subject to an appeal to the Master of the Rolls, who may affirm the decision of the Registrar, or may direct the Registrar to issue a certificate to the appellant on such terms and conditions (if any) as he may think fit.

Notice of the intention to make the application must be given to the Registrar at least six weeks before the application is actually made, unless such notice is dispensed with by the Registrar or by the Master of the Rolls.

Power to council to act on behalf of Society.

17. Any act or thing authorised or required to be done by the Society under or in pursuance of this Act shall be done by the council for the time being of the Society on behalf of the Society.

Compensation by Society to Petty Bag officers. 37 & 38 Vict. c. 81.

18. If any person who immediately before the passing of this Act was employed in, or in connexion with, the office of the Clerk of the Petty Bag becomes entitled to compensation under section eleven of the Great Seal (Offices) Act, 1874, or otherwise, in respect of loss of salary by reason of the abolition of the office of Clerk of the Petty Bag, such compensation shall be paid by and out of the funds of the Society.

Saving for jurisdiction of Master of the Rolls and other judges.

19. The Master of the Rolls, or any judge of the High Court of Justice, may, notwithstanding anything in this Act, exercise any jurisdiction over solicitors which he might have exercised if this Act had not been passed.

Repeal.

20. The Acts described in the first column of the schedule to this Act are hereby repealed to the extent specified in the second

column of that schedule; and the rules made by certain of Her Majesty's judges "As to re-admission and the taking out and "renewal of certificates," dated the second day of November one thousand eight hundred and seventy-five, are hereby also repealed; without prejudice to anything already done or suffered, or to any proceeding which may at the commencement of this Act be pending under any of those enactments or rules; and any such proceeding may be carried on and completed in all respects as if this Act had not been passed.

The SCHEDULE.

Section 20. A description or citation of a portion of an Act is inclusive of the words referred to as forming the beginning or the end of the portion comprised.

Title or Short Title.	Extent of Repeal.
The Solicitors Act, 1843 - [6 & 7 Vict. c. 73.]	In sections three and six the words "and "sworn"; and section three from "Provided "always" to end of section; sections eight to eleven; section thirteen from "Provided that" to end of section; sections fourteen and nineteen; section twenty-one from "and such "registrar" to "and Durham"; section thirty; and section forty-six.
The Colonial Attorneys Relief Act, 1857. [20 & 21 Vict. c. 39.]	Section five from "for the judges" to "solicitor also and," and from "and not as an "attorney" to the first "required," and from "an attorney or solicitor" to "attorney and "solicitor" and from "and if by any such" to first "after mentioned," and from the second "to administer" to "taken and," and the words "and they" and "or they" and "or "them" wherever they occur, and the words "in the Court of Chancery" and "of such "court."
The Solicitors Act, 1860 - [23 & 24 Vict. c. 127.]	Section seven; section twelve from "as to "the court" to "Westminster," and from "by affidavit" to "otherwise," and from "may proceed" to "allegiance and," and the word "other" before "Acts," and the words "an attorney and"; section seventeen; and section thirty-two.
The Solicitors Act, 1877 - [40 & 41 Vict. c. 25.]	Section seven; section nine from "In the "meantime" to "appoint"; section twenty-three from "with the qualification" to "of "this Act"; and all the enactments specified in Part II. of the Second Schedule.
The Supreme Court of Judicature Act, 1881. [44 & 45 Vict. c. 68.]	Section twenty-four from "Provision" to end of section.