Commissioners of Her Majesty's Works and Public Buildings, but not further or otherwise, in like manner as if it were herein re-enacted, with the substitution of one thousand eight hundred and eighty-two for one thousand eight hundred and seventy-four.

CHAPTER 44.

An Act for making better provision respecting the Remuneration of Solicitors in Conveyancing and other non-contentious Business. [22nd August 1881.]

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:

Preliminary.

Short title; extent; interpretation.

1.—(1.) This Act may be cited as the Solicitors Remuneration Act, 1881.

(2.) This Act does not extend to Scotland.

(3.) In this Act—

"Solicitor" means a solicitor or proctor qualified according to the statutes in that behalf:

"Client" includes any person who, as a principal, or on behalf of another, or as trustee or executor, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor, for his services, any costs, remuneration, charges, expenses, or disbursements:

"Person" includes a body of persons corporate or unincorporate:

"Incorporated Law Society" means, in England, the society referred to under that title in the Act passed in the session of the twenty-third and twenty-fourth years of Her Majesty's reign, intituled "An Act to amend the Laws relating to "Attorneys, Solicitors, Proctors, and Certificated Convey-"ancers"; and, in Ireland, the society referred to under that title in the Attorneys and Solicitors Act, Ireland, 1866:

29 & 30 Vict. c. 84.

"Provincial law societies or associations" means all bodies of solicitors in England incorporated by Royal Charter, or under the Joint Stock Companies Act, other than the Incorporated Law Society above mentioned.

General Orders.

Power to make General Orders for remuneration in conveyancing, &c.

2. In England, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, and the president for the time being of the Incorporated Law Society, and the president of one of the provincial law societies or associations, to be selected and nominated from time to time by the Lord Chancellor to serve during the tenure of office of such president, or any three of them, the Lord Chancellor being one, and, in Ireland, the Lord Chancellor, the Lord Chief Justice of Ireland, the Master of the Rolls, and the

president for the time being of the Incorporated Law Society, or any three of them, the Lord Chancellor being one, may from time to time make any such General Order as to them seems fit for prescribing and regulating the remuneration of solicitors in respect of business connected with sales, purchases, leases, mortgages, settlements, and other matters of conveyancing, and in respect of other business not being business in any action, or transacted in any Court, or in the Chambers of any Judge or Master, and not being otherwise contentious business, and may revoke or alter any such Order.

Communication to Incorporated Law Society.

3. One month at least before any such General Order shall be made, the Lord Chancellor shall cause a copy of the regulations and provisions proposed to be embodied therein to be communicated in writing to the Council of the Incorporated Law Society, who shall be at liberty to submit such observations and suggestions in writing as they may think fit to offer thereon; and the Lord Chancellor, and the other persons hereby authorised to make such Order, shall take into consideration any such observations or suggestions which may be submitted to them by the said Council within one month from the day on which such communication to the said Council shall have been made as aforesaid, and, after duly considering the same, may make such Order, either in the form or to the effect originally communicated to the said Council, or with such alterations, additions, or amendments, as to them may seem fit.

Principles of remuneration.

4. Any General Order under this Act may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or per-centage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another, or others, and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following, among other, considerations; (namely,)

The position of the party for whom the solicitor is concerned in any business, that is, whether as vendor or as purchaser, lessor or lessee, mortgagor or mortgagee, and the like:

The place, district, and circumstances at or in which the business or part thereof is transacted:

The amount of the capital money or of the rent to which the business relates:

The skill, labour, and responsibility involved therein on the part of the solicitor:

The number and importance of the documents prepared or perused, without regard to length:

The average or ordinary remuneration obtained by solicitors in like business at the passing of this Act.

Security for costs, and interest on disbursements.

5. Any General Order under this Act may authorise and regulate the taking by a solicitor from his client of security for future remuneration in accordance with any such Order, to be ascertained by taxation or otherwise, and the allowance of interest.

Order to be laid before Houses of Parliament;

6.—(1.) Any General Order under this Act shall not take effect unless and until it has been laid before each House of Parliament, and one month thereafter has elapsed.

disallowance on address.

(2.) If within that month an address is presented to the Queen by either House, seeking the disallowance of the Order, or part thereof, it shall be lawful for Her Majesty, by Order in Council, to disallow the Order, or that part, and the Order or part disallowed shall not take effect.

Effect of Order as to taxation.

7. As long as any General Order under this Act is in operation, the taxation of bills of costs of solicitors shall be regulated thereby.

Agreements.

Power for solicitor and client to agree on form and amount of remuneration.

8.—(1.) With respect to any business to which the foregoing provisions of this Act relate, whether any General Order under this Act is in operation or not, it shall be competent for a solicitor to make an agreement with his client, and for a client to make an agreement with his solicitor, before or after or in the course of the transaction of any such business, for the remuneration of the solicitor, to such amount and in such manner as the solicitor and the client think fit, either by a gross sum, or by commission or per-centage, or by salary, or otherwise; and it shall be competent for the solicitor to accept from the client, and for the client to give to the solicitor, remuneration accordingly.

(2.) The agreement shall be in writing, signed by the person to be bound thereby or by his agent in that behalf.

(3.) The agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling, stamps, fees, or other matters.

(4.) The agreement may be sued and recovered on or impeached and set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor; and if, under any order for taxation of costs, such agreement being relied upon by the solicitor shall be objected to by the client as unfair or unreasonable, the taxing master or officer of the Court may inquire into the facts, and certify the same to the Court; and if, upon such certificate, it shall appear to the Court or judge that just cause has been shown either for cancelling the agreement, or for reducing the amount payable under the same, the Court or judge shall have power to order such cancellation or reduction, and to give all such directions necessary or proper for the purpose of carrying such order into effect, or otherwise consequential thereon, as to the Court or judge may seem fit.

Restriction on Solicitors Act, 1870. 33 & 34 Vict. c. 28.

9. The Attorneys and Solicitors Act, 1870, shall not apply to any business to which this Act relates.

CHAPTER 45.

An Act to amend the Pedlars Act, 1871, as regards the district within which a certificate authorises a person to act as Pedlar. [22nd August 1881.]

34 & 35 Vict. c. 96.

WHEREAS by the Pedlars Act, 1871, it is provided that any pedlar who has obtained a pedlar's certificate desires to act as a pedlar in any other police district than that in which the

certificate is taken out must obtain an indorsement of such certificate by the chief officer of police of such other district:

And whereas it is expedient to remove the necessity for such indorsement:

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:

Short title.

1. This Act may be cited as the Pedlars Act, 1881.

This Act and the Pedlars Act, 1871, may be cited together as the Pedlars Acts, 1871 and 1881.

Alteration of 34 & 35 Vict. c. 96. so far as regards requiring indorsement of a pedlar's certificate.

2. A pedlar's certificate granted under the Pedlars Act, 1871, shall during the time for which it continues in force authorise the person to whom it is granted to act as a pedlar within any part of the United Kingdom.

The Pedlars Certificate Act, 1871, is repealed to the extent in the third column of the schedule to this Act mentioned.

SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning, or as forming the end, of the portion described in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
34 & 35 Vict. c. 96.	The Pedlars Act, 1871.	Section four, from "or acts as a pedlar in any district" down to "this Act"; section six from "a pedlar's certificate" down to "taken out"; section seven; in section eight the words "and of the indorsement of certificates" and the words "and made"; section twelve so far as it relates to an indorsement, and section fifteen so far as it relates to an indorsement.

CHAPTER 46.

An Act to amend the Patriotic Fund Act, 1867, and make further provision respecting certain Funds administered by the same Commissioners as the Patriotic Fund.

[22nd August 1881.]

WHEREAS the fund called the Patriotic Fund has been administered in accordance with commissions from Her Majesty (the original commission having been dated the seventh day of October one thousand eight hundred and fifty-four, and the supplementary commission having been dated the twenty-sixth day of March one thousand eight hundred and sixty-eight), and in accord-