



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO QUINTO  
VICTORIÆ REGINÆ.

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No. I.

AN ACT to regulate the Admission in certain cases of Barristers of the Supreme Court of Western Australia; and to prevent unqualified persons from taking fees in consideration of the performance of Conveyancing, and of work connected with the Administration of the Law relating to Real and Personal Property.

[Assented to, 16th September, 1881.]

**W**HEREAS it is expedient to make provision in certain cases for the admission of properly qualified persons to practise as Barristers, Attorneys, Solicitors, and Proctors of the Supreme Court of Western Australia: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

**1** THE Chief Justice of the Supreme Court, the Attorney General for the time being, and one practising Barrister of the said Court to be annually elected in the month of December for the year then ensuing by the practising Barristers of the said Court, shall form a Board

Chief Justice, Attorney General, and one practising Barrister to form Board for approval of qualified persons to act as Barristers, &c., of Supreme Court.

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Board for the approval of properly qualified persons to be Barristers, Attorneys, Solicitors, and Proctors of the Supreme Court of Western Australia. Provided that in default of such election it shall be competent for the said Chief Justice and Attorney General to appoint such practising Barrister.

Board to make and promulgate rules for regulating admission of Barristers, &c.

**2** THE said Board shall, as soon as conveniently may be after the passing of this Act, and from time to time, as may appear to them to be expedient, make and promulgate rules for regulating the admission of Barristers, Attorneys, Solicitors, and Proctors, and also the qualification of candidates to practise as Barristers, Attorneys, Solicitors, and Proctors in the said Court, and for regulating the examination, or further or renewed examination of such candidates, and the several departments of Literature, Science, and Law in which respectively such candidates are to be examined, and such other branches of knowledge as the said Board shall deem meet, and such rules from time to time to repeal, vary, and alter, as occasion may require; and the said Board may, from time to time, depute the examination of such candidates to such persons as they shall consider competent to examine such candidates, subject to the payment of such reasonable fees to the examiners respectively as the said Board shall order to be paid by such candidates. Provided that one practising Barrister shall be elected a member of the said Board within two months after the passing of this Act, for the remainder of the present year.

Practising Barristers to signify in writing, addressed to Board, name of Barrister who shall act on Board.

**3** EVERY practising Barrister of the said Court desirous to vote shall on or before the twentieth day of December next as respects the election of a Barrister to serve on such Board for the year 1882, and as respects all other elections on or before the tenth day of December in each year, signify in writing signed by him and addressed to the said Board the name of the practising Barrister whom he proposes shall act for the year 1882, or each ensuing year, as a member of the said Board; and he for whom the highest number of votes shall be given shall be a member of such Board, but in case of an equality of votes the other members of such Board shall determine the matter by lot.

No candidate to be admitted unless Board be satisfied that he is of good fame and character.

**4** PROVIDED always, and be it enacted, that no candidate, however qualified in other respects, shall be admitted to be a Barrister, Solicitor, Attorney, and Proctor of the said Supreme Court unless the said Board shall be satisfied that he is a person of good fame and character. Provided always that nothing herein contained

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contained shall be construed to apply to the admission of Barristers or of Solicitors, Attorneys, and Proctors of England or Ireland, or Advocates of Scotland.

**5** EVERY candidate whom the said Board shall approve as a fit and proper person to be made a Barrister, Solicitor, Attorney, and Proctor of the said Court shall be admitted as a Barrister, Solicitor, Attorney, and Proctor of the said Court by the Chief Justice, in open Court, on such day as shall be appointed for that purpose, any law or usage to the contrary notwithstanding.

Candidate approved by Board to be admitted a Barrister, &c., in open Court.

**6** FROM and after the first day of January next every person who shall, for or in expectation of any fee, gain, or reward, directly or indirectly, perform any work in connection with the administration of law, or draw or prepare any conveyance or other deed or instrument in writing relating to any real estate or any proceedings in law or equity (other than and except Barristers or Attorneys and Solicitors of the Supreme Court, and other than and except persons solely employed to engross any deed, instrument, or other proceeding 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 be deemed guilty of a contempt of the Supreme Court, and shall and may be punished accordingly for every such offence upon the application of any person complaining thereof, or shall for every such offence forfeit and pay the sum of Twenty pounds, to be sued for and recovered in a summary way before two Justices of the Peace, and in accordance with the provisions of an Ordinance passed in the fourteenth year of Her present Majesty, intituled, "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions within the Colony of Western Australia, with respect to summary convictions and orders." Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person drawing or preparing any

Unqualified persons prohibited from taking fees.

Penalty £20.

- (a) Wills or other testamentary instruments:
- (b) Agreements under hand only:
- (c) Letters or powers of attorney:
- (d) Transfer of stock containing no trust or limitation thereof.

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Repeal of sections 17, 18,  
19, and 20 of "The Supreme  
Court Ordinance, 1861."

**7** SECTIONS seventeen, eighteen, nineteen, and twenty of  
"The Supreme Court Ordinance, 1861," are hereby repealed.

In the name and on behalf of the Queen I hereby assent  
to this Act.

WILLIAM C. F. ROBINSON, Governor.