

T A S M A N I A.



1874.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 14.

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*amended by 48 Vic No 34*

AN ACT to consolidate and amend the Laws A.D. 1874.  
relating to Barristers and Attorneys.  
[18 September, 1874.]

**W**HEREAS it is expedient and necessary that the Laws in force in **PREAMBLE.**  
this Colony relating to Barristers and Attorneys should be consolidated  
in one Act.

Be it therefore enacted by His Excellency the Governor of *Tasmania*,  
by and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as “The Barristers and Attorneys Act, Short title.  
1874.”

**2** In this Act

Interpretation.

“The Examiners” mean the Board of Examiners appointed under  
this Act or a quorum of such Board of Examiners :

“The Judges” mean the Judges of the Supreme Court of *Tasmania*  
acting together :

“Judge” means a Judge of the said Court sitting in Chambers or  
otherwise :

“The Court” means the Supreme Court of *Tasmania* :

“Prescribed” means prescribed by Rules of Court to be made as in  
this Act provided :

*Barristers and Attorneys.*

A.D. 1874.

“Gazette” means *The Hobart Town Gazette* :

“Barrister” means a person duly admitted under this Act, or under any Act hereby repealed, to act in the said Court as a Barrister only :

“Attorney” means a person duly admitted hereunder or under any Act hereby repealed to act in the said Court as a Barrister, Attorney, Solicitor, and Proctor :

“Admitted” means the act of being admitted and enrolled in the said Court :

“Admission” means admission and enrolment in the said Court.

Repeal.

3 The Acts set forth in the Schedule (1) are hereby repealed, save and except so far as relates to any matters or things done or any rights acquired at any time before the commencement of this Act, all which matters and things shall be and remain good, valid, and effectual, and all such rights shall remain in force to all intents and purposes whatsoever as if this Act had not passed, and also save and except as to the recovery of any penalty for any offence committed before the commencement hereof.

No person to act as a Barrister or Attorney unless admitted.

4 No person shall act as a Barrister or Attorney in the Supreme Court, or as such Barrister or Attorney sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or other proceeding in the name of any other person or in his own name in the said Court, or in any Court of Bankruptcy or of Requests, or Court of General or Quarter Sessions, or before any Justice or Justices of the Peace, unless such person has been duly admitted as a Barrister or Attorney under any Act hereby repealed or this Act.

Certain persons may be admitted without any examination.

5 The following persons may be admitted as Barristers or as Attorneys without undergoing any examination in literature or law :—

Any person who has been admitted a Barrister-at-Law or Advocate in *Great Britain* or *Ireland* :

Any person who has been admitted a Writer, Attorney, or Solicitor in one of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh* :

Any person admitted as a Proctor in some Ecclesiastical Court in *England*.

The mode in which and the conditions upon which any person shall be admitted under this Section shall be regulated as prescribed.

Attorneys and Solicitors of Colonial Courts may be admitted.

6 Any person who has been admitted an Attorney and Solicitor in any or either of the Supreme 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*, may, without undergoing any examination in literature or law, upon Motion and satisfactory proof being given to the Court of the admission of every such person in the Supreme Courts in the said Colonies or Dependencies, and of his residence in this Colony for at least Twelve calendar months previous to such Motion, be eligible for admission to practise as an Attorney in the said Court.

*V. 48 Vic No. 34*

*Barristers and Attorneys.*

**7** No person shall (save as hereinafter provided) be capable of being admitted as a Barrister or Attorney unless such person has been bound by contract in writing to serve as Clerk for and during the term of Five years to a practising Attorney of the said Court, and has duly served under such contract for and during the said term, and also unless such person shall, after the expiration of such term (save as hereinafter provided), have been examined and sworn in manner hereinafter directed.

No person under the age of Sixteen years shall be bound by contract in writing to serve as Clerk as aforesaid.

**8** No Attorney shall have more than Two Clerks bound by contract to serve as aforesaid at one time, nor take or retain any such Clerk at any time or for any period during which he shall not actually carry on the practice of an Attorney in the said Court, nor whilst such Attorney shall be retained as a Clerk or Writer by any other Attorney.

**9** Every person bound by contract to serve as aforesaid shall, during the whole term of service specified in such contract, continue and be actually employed by the Attorney to whom he shall be bound in the proper business, practice, and employment of an Attorney, save as in this Act is mentioned.

**10** Every person of the age of Twenty-three years and upwards may, without being bound by contract in writing as aforesaid, be entitled to be and shall be examined in General Literature and in Law by the Examiners in the manner prescribed, and upon passing such examination, and complying with the provisions of this Act, may be admitted as a Barrister.

Every such person shall, if required by the Examiners, satisfy them that he is of good fame and reputation, and that he has resided in this Colony for the period of Twelve months immediately preceding his examination.

**11** Every person of the age of Twenty-three years and upwards who has taken the Degree of Bachelor of Arts or Laws in any University within Her Majesty's Dominions, and who has been bound by contract in writing to serve for Three years to a practising Attorney of the said Court, and has duly served under such contract for and during the said term, shall, after the expiration of such term, upon passing the examination in law prescribed, and complying with the provisions of this Act, be entitled to be admitted an Attorney of the said Court.

**12** Every person of the age of Twenty-one years or upwards who has taken the Degree of Associate of Arts in this Colony, or proves to the satisfaction of the Examiners that he has passed at a *British* University one of the examinations set forth in the Schedule (2), and who has been bound by contract in writing to serve for Four years to a practising Attorney of the said Court, and has duly served under such contract for and during the said term, shall, after the expiration of such term upon passing the examination in law prescribed, and complying with the provisions of this Act, be entitled to be admitted as an Attorney of the said Court.

**13** Any person bound by contract in writing to serve as a clerk to a practising Attorney for any term herein-before mentioned, and who shall

A.D. 1874.

No person to be admitted unless he has served a clerkship of Five years, save as hereinafter provided.

No Attorney to have more than Two clerks at one time, &c.

How clerks to be employed.

Eligibility of persons examined hereunder for admission as Barristers.

Eligibility of Graduates for admission as Attorneys, &c.

Eligibility of Associates of Arts for admission as Attorneys, &c.

Service of One year with agent.

*Barristers and Attorneys.*

A.D. 1874.

actually and *bonâ fide* be and continue as Clerk with and as such be employed by the *Hobart Town* agent of the Attorney to whom any such person is bound by contract as aforesaid, for any part of the said term not exceeding One year, either by virtue of any stipulation in such contract or with the permission of such Attorney, may be examined and admitted under this Act in the same manner as if he had served the whole of the period for which he was bound with the Attorney to whom he was so bound.

Admission of  
Registrar and  
Clerk of Supreme  
Court, &c.

**14** The following persons may be admitted as Attorneys without being bound to serve or serving as aforesaid :—

The Registrar and Clerk of the Supreme Court :

The Clerk to the Attorney-General and the Clerk to the Solicitor-General :

if such persons have served in their respective offices for the term of Five years, or partly in one of such offices and partly in another of such offices for the said term, either before or after the commencement of this Act.

But such persons shall be required to undergo examinations in general literature and law, and to pay similar fees on admission to those payable by other candidates for admission as Barristers or Attorneys.

Registrar, &c.  
not to practise  
while in office.

**15** No person shall be permitted to practise as a Barrister or Attorney during the period of his holding the office of Registrar of the said Court, or the office of Registrar of Deeds, or being a Commissioner of the said Court ; and no person holding either of the said offices, or being such Commissioner, shall be capable of entering into any contract whatsoever whereby any person may be bound to serve the person holding either of the said offices or such Commissioner as articled clerk in order to his admission in the said Court as a Barrister or an Attorney, and such contract if entered into shall be void.

Board of  
Examiners.

**16** The Board of Examiners shall consist of not less than Seven persons, of whom Three shall form a quorum ; the Attorney-General and Solicitor-General for the time being shall *ex officio* be members of the said Board, and the remaining members shall be nominated and appointed by the Judges, but at least Five members of the Board including the *ex officio* members shall be Barristers or Attorneys.

Any vacancy occurring in the Board by the death, resignation, or removal from *Hobart Town* of any member may be filled up by the Judges, and notice of every appointment shall be published in the *Gazette*. The Attorney-General for the time being shall be the chairman of such Board.

Judges to make  
rules to regulate  
examinations.

**17** The Judges may from time to time make rules, and such rules may vary, alter, or rescind, for the following purposes :—

1. To prescribe the mode in which and the conditions under which persons who are not required by this Act to undergo any examination may be admitted :
2. To regulate the proceedings and times of meeting of the Examiners :
3. To prescribe the books and subjects in general literature and in law in which candidates for admission shall be examined :

*Barristers and Attorneys.*

4. To prescribe the nature and mode of examination of candidates : **A.D. 1874.**
5. To prescribe the conditions under which candidates may submit themselves for examination :
6. To prescribe the mode in which candidates who have passed the examinations prescribed may be admitted :
7. Generally to provide for all matters necessary to give effect to the objects and intentions of this Act.

All such rules shall be published in the *Gazette*, and shall remain in force until altered or rescinded by the like authority.

All Rules made by the Judges under any Act hereby repealed shall, until rescinded, be deemed to have been made under this Act.

**18** The Examiners shall, by notice under the hand of the Chairman published in the *Gazette*, and affixed to the doors of the buildings in which the Civil and Criminal Sittings of the Supreme Court are usually held in *Hobart Town* and *Launceston*, signify the days on which they will examine Candidates under this Act, and the hour and place at which such Examinations shall be held ; which Examinations shall be held at the least Once in every year.

Examiners to notify time and place of examination, which shall be open.

**19** A Candidate for admission as an Attorney may at any time during the period of his Clerkship claim to be examined in General Literature, and shall not be compelled to serve his full time before such examination takes place, anything herein contained or prescribed to the contrary notwithstanding.

Literary examination to take place at any time.

**20** Every person who has taken the Degree of Associate of Arts, and who is a Candidate for admission under Section Twelve, shall produce to the Examiners a Certificate from the Secretary to the Council of Education that he has passed an examination in Latin and Pure Mathematics to the satisfaction of the Examiners for such Degree, and failing the production of such Certificate such Candidate shall be examined in General Literature as well as in Law.

Associates of Arts to produce certificate of examination in Latin, &c.

**21** Nothing herein contained or prescribed shall be construed to require any Candidate for admission as a Barrister to give notice to the Examiners of his intention to present himself for Examination more than Three months immediately preceding the day appointed for such Examination, or to require any Candidate for admission as a Barrister or Attorney to submit to examination in any matters or subjects other than Law, in any case where such Candidate shall produce satisfactory proof that he has obtained the Degree of Bachelor of Arts or Laws in any *British* University, or that he has passed the Examinations prescribed by the Statutes of such Universities for Candidates for such Degree in Arts or Laws.

Graduates in Arts or Laws to be required to be examined in law only.

**22** Candidates who have passed the Examinations prescribed shall pay to the Registrar of the said Court the Fees mentioned in the Schedule (3) before any Motion shall be made for their admission as Barristers or Attorneys ; and the amount of such Fees shall be appropriated by the Judges to defraying such expenses as may be incurred in the conduct of the Examinations of Candidates, or to such other purposes connected therewith as the Judges may order and direct.

Examined candidates to pay fees to Registrar of Supreme Court.

**23** At any time, not being more than Three months after the date of any certificate granted by the Examiners, it shall be lawful for the

Admission to practice.

*Barristers and Attorneys.*

A.D. 1874.

Judges of the said Court, upon the production of such certificate, and upon the affidavit of the person named therein that he has complied with the rules prescribed and has paid the fees mentioned in the Schedule (3), and is the person named in such certificate, to order that such person shall, upon taking the oaths hereafter mentioned, be admitted as a Barrister or as an Attorney of the said Court.

Oaths to be taken.

**24** Every person applying to be admitted under this Act shall, before his admission, take and subscribe the oath set forth in the Schedule (4), and the oath of allegiance set forth in "The Promissory Oaths Act, 1869."

If Attorney becomes bankrupt contract may be assigned.

**25** If any Attorney to whom any clerk is bound by contract in writing as aforesaid becomes bankrupt, or if the affairs of such Attorney are liquidated by arrangement, or if such Attorney makes any composition with his creditors, the Court may, upon the application of such clerk, order such contract to be discharged, or assigned to such person upon such terms and in such manner as the Court directs.

Proviso for death of master, &c.

**26** If any Attorney to whom any person has been bound to serve as aforesaid dies before the expiration of the term for which such person is so bound, or discontinues, or leaves off practice as an Attorney, or if the contract shall by mutual consent of the parties be cancelled, or in case such clerk is legally discharged before the expiration of such term by any rule or order of the Court, such clerk may in any of such cases be bound by another or other contracts in writing to serve as clerk to any other practising Attorney during the residue of the said term; and service under such second or other contract in manner herein mentioned shall be deemed and taken to be good and effectual, subject to the provisions hereof, and the rules made hereunder with respect to the original contract.

Conveyancer's certificate how applied for.

**27** Every person desirous of practising as a Conveyancer only shall, One month at least before application as hereinafter mentioned, give notice in writing under his hand to the Registrar of the Court, of his intention to apply to the said Court during the next ensuing Term for a Conveyancer's certificate, and every such notice shall set forth the true names and place of abode of the applicant; and the Registrar shall, as soon afterwards as conveniently may be, cause such notice to be publicly advertised at the expense of the party, in such manner and form as the Judges or one of them direct.

Proceedings thereon.

**28** At any time during the Term mentioned in such notice, the person having given the same may apply to the said Court in person or by counsel to be examined touching his fitness and ability to practise as a Conveyancer; and thereupon the Court shall direct that the applicant shall be examined by such member of the Board of Examiners as the Court may order, at such time or times as such Examiner appoints, as well touching his ability, skill, and knowledge, as his character for integrity and honor; and the said Examiner shall be at liberty to put such questions to such applicant in respect of the matters aforesaid, and to require from him such further proof of his character as the Examiner deems proper; and if he deems the applicant to be of competent ability and knowledge, and a fit and proper person to practise as a Conveyancer, he shall grant to him a certificate to that effect under his hand in the form in the Schedule (5), or to the like effect, which certificate shall be enrolled in the office of the Registrar of the said

*Barristers and Attorneys.*

Court; and upon such enrolment the applicant shall pay to the said Registrar for the use of such Examiner a fee of Five Pounds, and thereupon such applicant shall be deemed to be a duly certificated Conveyancer. A.D. 1874.

**29** No person attainted of any treason or felony, or convicted of any crime that is infamous, shall be entitled to a certificate under this Act, anything herein contained to the contrary notwithstanding. Certain persons not entitled to certificate.

**30** No Attorney, nor any executor, administrator, or assignee of any Attorney, shall commence or maintain any action or suit for the recovery of any fees, charges, or disbursements for any business done by such Attorney until the expiration of One month after such Attorney, or the executor, administrator, or assignee of such Attorney, shall have delivered unto the party to be charged therewith, either in person or sent by the post (duly stamped) to, or left for him at his place of business or usual or last known place of abode, a bill of such fees, charges, and disbursements, which bill shall either be signed by such Attorney, (or, in case of a partnership, by any of the partners, either with his own name or with the name or style of such partnership), or of the executor, administrator, or assignee of such Attorney, or be enclosed in or accompanied by a letter, signed in like manner, referring to such bill. Attorney not to commence an action for fees till One month after delivery of bill.

**31** Upon the application of the party chargeable by such bill within such month, it shall be lawful for the Supreme Court, or a Judge thereof, whether such bill shall contain any charges for business transacted in the said Court or not, to refer such bill and the demand of such Attorney, or such executor, administrator, or assignee thereupon to be taxed and settled by the Taxing Officer of the Court without any money being brought into Court; and the Court or Judge making such reference shall restrain such Attorney, or the executor, administrator, or assignee of such Attorney, from commencing any action or suit touching such demand pending such reference; and in case no such application is made within such month as aforesaid, then it shall be lawful for such reference to be made either upon the application of the Attorney, or the executor, administrator, or assignee of such Attorney, whose bill has been delivered as aforesaid, or upon the application of the party chargeable by such bill, with such directions and subject to such conditions as the Court or Judge thinks proper; and such Court or Judge may restrain such Attorney, or the executor, administrator, or assignee of such Attorney, from commencing or prosecuting any action or suit touching such demand pending such reference, upon such terms as shall be thought proper. Reference of bills, whether relating to business transacted in court or not, for taxation.

Taxation after One month.

**32** No such reference shall be directed upon an application made by the party chargeable with such bill after a verdict has been obtained or a writ of inquiry executed in any action for the recovery of the demand of such Attorney, or the executor, administrator, or assignee of such Attorney, or after the expiration of Twelve months after such bill has been delivered as aforesaid, except under special circumstances, to be proved to the satisfaction of the Court or Judge to whom application for such reference is made; and upon every such reference, if either the Attorney, or the executor, administrator, or assignee of the Attorney whose bill has been delivered, or the party chargeable with such bill, having due notice, refuses or neglects to attend such taxation, the Taxing Officer may proceed to tax and settle such bill and demand *ex parte*. Taxation after Twelve months under special circumstances.

*Barristers and Attorneys.*

A.D. 1874.

Payment of costs  
of taxation.

**33** In case any such reference is made upon the application of the party chargeable with such bill, or of such Attorney, or the executor, administrator, or assignee of such Attorney, and the party chargeable with such bill attends upon such taxation, the costs of such reference shall, except as hereinafter provided for, be paid according to the event of such taxation; that is to say, if such bill when taxed is less by a sixth part than the bill delivered, then such Attorney, or the executor, administrator, or assignee of such Attorney, shall pay such costs; and if such bill when taxed is not less by a sixth part than the bill delivered, then the party chargeable with such bill making such application or so attending shall pay such costs; and every order to be made for such reference shall direct the Taxing Officer to tax the costs of such reference to be so paid as aforesaid, and to certify what (upon such reference) shall be found to be due to or from such Attorney, or the executor, administrator, or assignee of such Attorney, in respect of such bill and demand, and of the costs of such reference if payable.

Costs to be esti-  
mated by skill and  
labor, not by  
length of docu-  
ment.

**34** In taxing any bill for preparing any deed, agreement, or other legal document it shall be lawful for the Taxing Officer, and he is hereby required in estimating the proper sum to be charged for such transaction, to consider not the length of such deed, agreement, or other document, but only the skill and labor employed and the responsibility incurred in the preparation thereof, and in the investigation where such shall have taken place of the title to the property conveyed or affected by any such deed, agreement, or document.

Special certificate.

**35** The Taxing Officer shall in all cases be at liberty to certify specially any circumstances relating to such bill or taxation, and the Court or Judge may thereupon make such order as such Court or Judge thinks right respecting the payment of the costs of such taxation. Where such reference is made when the same is not authorised to be made except under special circumstances, as hereinbefore provided, then the Court or Judge shall be at liberty to give any special directions relative to the costs of such reference.

Court may order  
Attorney to render  
his bill, and to  
deliver up deeds,  
&c.

**36** It shall be lawful for the said Court or Judge, in the same cases in which they are respectively authorised to refer a bill which has been delivered as aforesaid, to make an order for the delivery by any Attorney, or the executor, administrator, or assignee of any Attorney, of such bill as aforesaid, and for the delivery up of deeds, documents, or papers in his possession, custody, or power, or otherwise touching the same.

Evidence of  
delivery of bill.

**37** It shall not in any case be necessary in the first instance for such Attorney, or the executor, administrator, or assignee of such Attorney, in proving a compliance with this Act, to prove the contents of the bill he may have delivered, but it shall be sufficient to prove that a bill of fees, charges, or disbursements signed or enclosed in or accompanied by such letter as aforesaid was delivered in manner aforesaid; but nevertheless it shall be competent for the other party to show that the bill so delivered was not such a bill as constituted a *bonâ fide* compliance with this Act.

Power to Judge  
to authorise action  
before expiration  
of month.

**38** It shall be lawful for any Judge of the said Court to authorise an Attorney to commence an action or suit for the recovery of his fees, charges, or disbursements against the party chargeable therewith, although One month has not expired from the delivery of a bill as afore-



*Barristers and Attorneys.*

said, on proof to the satisfaction of such Judge that there is probable cause for believing that such party is about to quit *Tasmania*. A.D. 1874.

**39** Where any person not the party chargeable with any bill within the meaning of the provisions hereinbefore contained, is liable to pay or has paid such bill either to the Attorney, his executor, administrator, or assignee, or to the party chargeable with such bill as aforesaid, it shall be lawful for such person, his executor, administrator, or assignee, to make such application for a reference for the taxation and settlement of such bill as the party chargeable therewith might himself make; and the same reference and order shall be made thereupon, and the same course pursued in all respects, as if such application was made by the party chargeable with such bill as aforesaid. Bills may be taxed upon the application of third parties.

In case such application is made when under the provisions herein contained a reference is not authorised to be made except under special circumstances, it shall be lawful for the Court or Judge to whom such application is made to take into consideration any additional special circumstances applicable to the person making such application, although such circumstances might not be applicable to the party so chargeable with the said bill as aforesaid if he were the party making the application.

**40** It shall be lawful in any case in which a trustee, executor, or administrator has become chargeable with any such bill as aforesaid for a Judge of the said Court, if in his discretion he thinks fit, upon the application of a party interested in the property out of which such trustee, executor, or administrator may have paid or be entitled to pay such bill, to refer the same and such Attorney's, or executor's, administrator's, or assignee's demand thereupon to be taxed and settled by the Taxing Officer of the Court with such directions and subject to such conditions as such Judge thinks fit, who may make such order for the payment of what may be found due, and of the costs of such reference to or by such Attorney, or the executor, administrator, or assignee of such Attorney, by or to the party making such application, having regard to the provisions herein contained relative to applications for the like purpose by the party chargeable with such bill, so far as the same shall be applicable to such cases; and in exercising such discretion the said Judge may take into consideration the extent and nature of the interest of the party making the application. Judge may direct taxation of bills chargeable on executors, &c.

Where any money is directed to be paid by such Attorney, or the executor, administrator, or assignee of such Attorney, it shall be lawful for such Judge, if he thinks fit, to order the same, or any part thereof, to be paid to such trustee, executor, or administrator so chargeable with such bill instead of being paid to the party making such application; and when the party making such application pays any money to such Attorney, or the executor, administrator, or assignee of such Attorney, in respect of such bill, he shall have the same right to be paid by such trustee, executor, or administrator so chargeable with such bill as such Attorney, or the executor, administrator, or assignee of such Attorney, had.

**41** For the purpose of any such reference upon the application of the person not being the party chargeable within the provisions aforesaid, or of a party interested as aforesaid, it shall be lawful for such Court or Judge to order any such Attorney, or the executor, administrator, or assignee of any such Attorney, to deliver to the party making such application a copy of such bill, upon payment of the costs of such copy. Copy of bill to be delivered to person making application for reference for taxation.

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*Barristers and Attorneys.*

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A.D. 1874.

No re-taxation.

**42** No bill which has been previously taxed and settled shall be again referred unless, under special circumstances, the Court or Judge to whom application is made thinks fit to direct a re-taxation thereof.

Taxation of bill after payment.

**43** The payment of any such bill as aforesaid shall in no case preclude the Court or Judge to whom application is made from referring such bill for taxation, if the special circumstances of the case shall, in the opinion of such Court or Judge, appear to require the same, upon such terms and conditions and subject to such directions as to such Court or Judge seems right, provided the application for such reference be made within Twelve calendar months after payment.

Applications for taxing bill of costs how to be made.

Certificate of taxation to be final.

Judgment may be entered.

**44** All applications made hereunder to refer any bill to be taxed and settled, and for the delivery of such bill, and delivering up deeds, documents, and papers, shall be made in the matter of such Attorney; and upon the taxation and settlement of any such bill, the certificate of the Taxing Officer shall (unless set aside or altered by order, decree, or rule of Court) be final and conclusive as to the amount thereof; and it shall be lawful for such Court or Judge to order judgment to be entered up for the amount certified to be due and directed to be paid with costs, unless the retainer shall be disputed, or to make such other order thereon as such Court or Judge deems proper.

Penalty upon person unlawfully acting as Barrister, &amp;c.

**45** Every person who not being duly admitted a Barrister or Attorney of the said Court shall, either directly or indirectly, practise or act in *Tasmania* as a Barrister or Attorney shall for every such offence forfeit and pay a penalty or sum of One hundred Pounds, which penalty may be sued for and recovered by action of debt in the Supreme Court by any person who sues for the same; and one moiety of such penalty when recovered shall be to the use of Her Majesty, and the other moiety to the use of the person suing for the same; and upon the trial of any action brought for the recovery of such penalty, proof as to the defendant being duly admitted shall lie upon him.

Unqualified persons preparing deeds, &amp;c. relating to land liable to penalty.

**46** Every person not being duly admitted a Barrister or Attorney, or not being a certificated Conveyancer, who shall for fee or reward (given or to be given) prepare or assist in preparing any deed whatsoever, or any will or testament or any instrument in writing purporting to create or convey any estate or interest legal or equitable, either originally or in execution of any power, in any lands, tenements, or hereditaments, or shall otherwise practise the business of a Conveyancer, shall for every such offence forfeit and pay a penalty or sum of Twenty Pounds.

Recovery of penalties.

**47** Every offence against the last preceding Section shall be heard and determined in a summary way by and before any two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and the burden of proof as to his being duly admitted or certificated as aforesaid shall be on the defendant; and any person aggrieved by any conviction under this Act may appeal therefrom in the mode provided by *The Appeals Regulation Act*.

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*Barristers and Attorneys.*

## SCHEDULE.

A D. 1874.

(1.)

## ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
4 Vict. No. 26.	<i>An Act to restrain Unqualified Persons from practising as Conveyancers.</i>
4 Vict. No. 29.	<i>An Act to make further provision for the Admission of Practitioners in the Supreme Court and to prevent Unqualified Persons from practising therein.</i>
7 Vict. No. 12.	<i>An Act to repeal the Fifth Section of an Act or Ordinance of this Island intituled An Act to restrain unqualified Persons from practising as Conveyancers and to make other provision in lieu thereof.</i>
8 Vict. No. 3.	<i>An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty intituled An Act to make further provision for the Admission of Practitioners in the Supreme Court and to prevent unqualified Persons from practising therein.</i>
17 Vict. No. 19.	<i>An Act to render Attornies' Bills of Costs for Conveyancing Business liable to Taxation; and for other Purposes connected therewith.</i>
24 Vict. No. 24.	<i>An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled An Act to make further provision for the Admission of Practitioners in the Supreme Court, and to prevent unqualified Persons from practising therein.</i>
27 Vict. No. 25.	<i>An Act to amend the Law relating to the Admission of Barristers, Attorneys, Solicitors, and Proctors to practise in the Supreme Court.</i>
30 Vict. No. 16.	<i>An Act to amend The Barristers and Attorneys Admission Act.</i>

(2.)

*EXAMINATIONS at British Universities referred to in Section 12 of this Act.*

University of Oxford.....	{	Responsions. Senior Middle Class Examination.
University of Cambridge .....	{	Previous Examination. Senior Middle Class Examination.
University of Dublin.....	{	Senior Freshmen Examination.
University of London .....	{	Examination of Students in Arts in their First and Second Years.
University of Durham .....	{	Examination of Students in Arts in their First and Second Years.
Queen's University in Ireland ..	{	Examination of Students in Arts in their First and Second Years.
University of Sydney .....	{	Examination of Students in Arts in their First and Second Years.
University of Melbourne .....	{	Examination of Students in Arts in their First and Second Years.

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*Barristers and Attorneys.*


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A.D. 1874.

(3.)

*FEES referred to in Section 22 of this Act.*

	£	s.	d.
Enrolment fee on motion as a Barrister .....	10	10	0
Enrolment fee on motion for admission as an Attorney .....	15	15	0

(4.)

I, *A.B.*, do swear [*or solemnly affirm, as the case may be*] that I will truly and honestly demean myself in the practice of a Barrister [*or Barrister, Attorney, Solicitor, and Proctor*] of the Supreme Court of *Tasmania*, according to the best of my knowledge and ability.

So help me God.

(5.)

WHEREAS by an Order of the Supreme Court, dated the            day of            it was ordered and directed that *A.B.* therein named should be examined by me at such time or times as I should appoint, as well touching the ability, skill, and knowledge of the said *A.B.* as his character for integrity and honor: Now having, in pursuance of the said recited Order, appointed this day for the examination of the said *A.B.*, and having examined him as well touching his ability, skill, and knowledge, as his character for integrity and honor, and having also received such further proof of his character as I deemed proper, I HEREBY CERTIFY that I deem him the said *A.B.* to be of competent ability and knowledge, and a fit and proper person to practise as a Conveyancer.

Given under my hand at Hobart Town, this            day of            18

*Examiner.*