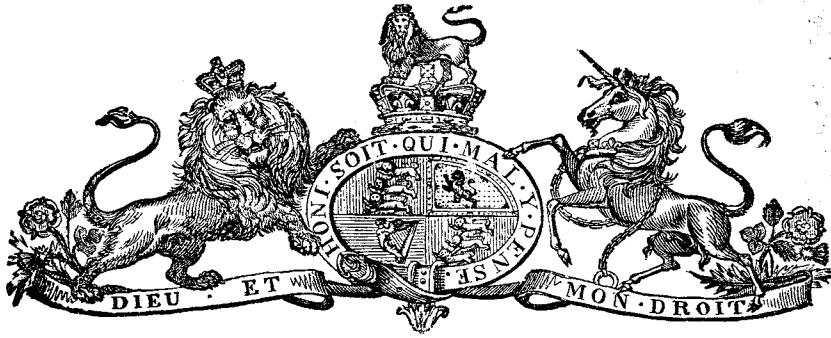


T A S M A N I A.

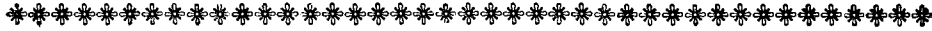


1863.

ANNO VICESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 25.



AN ACT to amend the Law relating to the Admission of Barristers, Attorneys, Solicitors, and Proctors to practise in the Supreme Court.

[18 September, 1863.]

WHEREAS it is expedient to amend the Law for regulating the admission of Barristers, Attorneys, Solicitors, and Proctors to practise in the Supreme Court of *Tasmania*: 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:—

PREAMBLE.

1 From and after the passing of this Act, the admission of persons to practise in the Supreme Court of *Tasmania* as Barristers of the said Court, under the provisions of this Act, and of persons who shall have entered upon articles or pupillage to any Barrister, Attorney, Solicitor, and Proctor of the said Court at any time subsequently to the passing of this Act, to practise as Barristers, Attorneys, Solicitors, and Proctors of the said Court, shall be regulated and provided for by Rules of Court, to be made in that behalf by the Judges of the said Court, under the authority and in accordance with the provisions of this Act.

Admission to practise in Supreme Court to be regulated by Rules of Court.

2 The Judges of the Supreme Court are hereby empowered and required to nominate and appoint not less than Three nor more than Five persons as and to be a Board of Examiners, to examine, in

Judges to appoint Board of Examiners.

general Literature and in Law, Candidates for admission to practise in the said Court as Barristers, and as Barristers, Attorneys, Solicitors, and Proctors: Provided that the Attorney-General and the Solicitor-General of the Colony for the time being shall always, *ex officio*, be Members of such Board of Examiners in addition to the Examiners appointed by the said Judges.

Judges to regulate Examinations by Rules of Court, to be published in the *Gazette*.

3 The Judges of the Supreme Court shall, from time to time, make Rules of Court to regulate the proceedings and times of meeting of the said Examiners, the nature and mode of examination of Candidates, the Books and Subjects in general Literature and in Law in which such Candidates shall be examined, and such other matters as the said Judges may deem necessary to give effect to the provisions of this Act, for the admission of such Candidates to practise as Barristers, and as Barristers, Attorneys, Solicitors, and Proctors, in the said Court; and the said Judges shall cause the names of such Examiners to be published from time to time in the Government *Gazette*, and shall also cause such Rules of Court as they may make, from time to time, under the authority of this Act to be published in the Government *Gazette*; and such Rules of Court shall become and be binding and of force until subsequently at any time altered and amended by the like authority.

Eligibility of persons examined under this Act for admission to practise as Barristers.

4 From and after the passing of this Act, every natural-born or naturalised Subject of Her Majesty, of the age of Twenty-three years and upwards, shall, without being required to have served any articles or pupilage, be entitled to present himself for examination in general Literature and in Law before the Board of Examiners, and, upon passing such examination to the satisfaction of the said Board, and complying with the Rules of Court made in that behalf by the Judges, and being sworn in the manner provided by the Act of Council, 4 *Victoria*, No. 29, shall be entitled to be admitted and enrolled as a Barrister of the Supreme Court of *Tasmania*: Provided that every such Candidate shall satisfy the Board of Examiners that he has resided in the Colony of *Tasmania* for Twelve months immediately preceding his examination, and is of good fame and reputation.

Eligibility of Graduates for admission as Barristers, Attorneys, Solicitors, and Proctors.

5 Every person of the age of Twenty-three years and upwards, who shall have taken or shall hereafter take the Degree of Bachelor of Arts or Bachelor of Laws in any University within Her Majesty's Dominions, and who shall have served under Articles of Clerkship for Three years to a practising Barrister, Attorney, Solicitor, and Proctor of the Supreme Court of *Tasmania*, and shall during the whole of such term have been actually employed by such Barrister, Attorney, Solicitor, and Proctor, or by the Agent of such Barrister, Attorney, Solicitor, and Proctor (with his consent), for any part of the said term not exceeding One year, in the proper business, practice, or employment of a Barrister, Attorney, Solicitor, and Proctor, and who shall, after the expiration of such term, have been examined, and shall have passed such examination to the satisfaction of the said Board, and shall have complied with the Rules of Court in that behalf under the provisions of this Act, and sworn in the manner provided by the Act of Council, 4 *Victoria*, No. 29, shall be entitled to be admitted and enrolled as a Barrister, Attorney, Solicitor, and Proctor of the said Court.

Eligibility of Graduates who have served in

6 Every person of the age of Twenty-three years and upwards, who shall have taken or shall hereafter take the Degree of Bachelor of Arts or Bachelor of Laws in any University within Her Majesty's

Dominions, and who shall have actually and *bond fide* served for a term of not less than Three years as Clerk of the said Court, or as Clerk to Her Majesty's Attorney-General or Solicitor-General or Crown Solicitor, or as Clerk of the Peace, or as an Articled Clerk to any practising Barrister, Attorney, Solicitor, and Proctor of the said Court, or for any portion of the said term in one of the said capacities and the residue thereof in another of them (whether any such service shall have been before or after, or partly before and partly after, the commencement of this Act), and who shall, after the expiration of such term, have been examined under the provisions of this Act, and complied with the Rules made in that behalf by the Judges, and sworn in the manner provided by the Act of Council, 4 *Victoriæ*, No. 29. shall be entitled to be admitted and enrolled as a Barrister, Attorney, Solicitor, and Proctor of the said Court.

certain offices for admission as Barristers, Attorneys, Solicitors, and Proctors.

7 Every person of the age of Twenty-one years and upwards, who shall have taken or shall hereafter take the Degree of Associate of Arts under the provisions of the *Tasmanian Council of Education and Scholarship Act*, 22 *Victoriæ*, No. 21, or who shall prove to the satisfaction of the Board of Examiners that he has passed at a *British* University one of the Examinations set forth in the Schedule to this Act, and who shall have served under Articles as required by Section 5 of this Act for and during a term of not less than Four years, and who shall, after the expiration of such term, have been examined in general Literature and in Law to the satisfaction of the Board of Examiners under the provisions of this Act, and complied with the Rules made in that behalf by the Judges, and sworn in the manner provided by the Act of Council, 4 *Victoriæ*, No. 29, shall be entitled to be admitted and enrolled as a Barrister, Attorney, Solicitor, and Proctor of the said Court.

Eligibility of Associates of Arts for admission as Barristers, Attorneys, Solicitors, and Proctors.

8 Nothing contained in this Act shall be construed to empower the Judges of the said Court to require any Candidate for admission as a Barrister of the said Court to have resided in the Colony of *Tasmania* more than Twelve months, or to give notice to the Board of Examiners of his intention to present himself for Examination more than Six months immediately preceding the day appointed for such Examination, or to empower the said Judges or the Board of Examiners to require any Candidate for admission as a Barrister, Attorney, Solicitor, and Proctor, or as a Barrister of the said Court, 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 Bachelor of 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.

9 The Board of Examiners shall, by notice under their hands published in the *Government 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 the provisions of this Act, and the hour and place at which such Examinations shall be held; and such Examinations shall be held at the least Once in every year, and shall be open to all Barristers, and Barristers, Attorneys, Solicitors, and Proctors, of the said Court, and to their Clerks and Pupils, and to such other persons as may be admitted by orders from a Judge of the Supreme Court, or from a Member of the Board of Examiners, or from a Member of the Council of Education.

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

Examined Candidates to pay Fees to Registrar of Supreme Court.

10 Candidates who shall have passed the Examination required by the Board of Examiners shall pay to the Registrar of the said Court the Fees prescribed in the Schedule to this Act before any Motion shall be made for their admission as Barristers, or as Barristers, Attorneys, Solicitors, and Proctors, of the said Court; and the amount of such Fees shall be appropriated by the Judges of the said Court 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 of the said Court may order and direct.

Not to affect persons articulated prior to passing of this Act.

11 Nothing contained in this Act shall be construed to empower the Judges of the said Court to require any Articled Clerk of any Barrister, Attorney, Solicitor, and Proctor who may have entered upon Articles at any time prior to the passing of this Act to undergo any examination or pay any fee other than that prescribed by the Act of Council, 4 *Victoriæ*, No. 29: Provided that any such Articled Clerk shall be at liberty to elect whether he will be examined by the Board of Examiners under the provisions of this Act in general Literature and in Law, or by the Examiners under the above-recited Act of Council.

Short Title.

12 In referring to this Act it shall be sufficient to use the expression *The Barristers and Attorneys Admission Act*.

SCHEDULE.

EXAMINATIONS at British Universities referred to in Section 7 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.

FEES referred to in Section 10 of this Act.

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Enrolment Fee on Motion for admission as a Barrister of the Supreme Court	10 10 0
Enrolment Fee on Motion for admission as a Barrister, Attorney, Solicitor, and Proctor of the Supreme Court ..	15 15 0