



ANNO SEXTO ET SEPTIMO

VICTORIÆ REGINÆ.

No. 14.—1843.

By His Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies and Vice-Admiral of the same by and with the advice and consent of the Legislative Council.

~~AN ORDINANCE to Regulate the Profession of the Law in~~
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South Australia.

WHEREAS it is desirable to restrain unqualified persons from practising the Profession of the Law :

BE IT THEREFORE ENACTED BY HIS EXCELLENCY THE GOVERNOR of South Australia with the advice and consent of the Legislative Council thereof That after the passing of this Ordinance no person shall be qualified to practise the Profession of the Law in this Province unless he shall have been duly admitted and enrolled as a Barrister Attorney Solicitor or Proctor in the Supreme Court and whosoever shall in his own name or in the name of any other person sue out any writ or process or commence prosecute or defend any action or suit or any proceeding in the Supreme Court or any Court in this Province for or in expectation of any gain fee or reward without being admitted and enrolled as aforesaid and whosoever shall for or in expectation of any gain fee or reward directly or indirectly

George Grey
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His Excellency

No person to practice the law unless admitted in the Supreme Court.
Penalty £50.

indirectly draw or prepare any conveyance lease or other deed relating to any real or personal estate or any proceedings in Law or Equity without being so admitted and enrolled shall for every such offence forfeit and pay the sum of fifty pounds to be sued for and recovered by action of debt. In the Supreme Court one moiety of which penalty when recovered shall go to the person who will sue for such penalty for his own use and the other moiety thereof shall be paid to the Colonial Treasurer to be applied to the use of Her Majesty her heirs and successors.

Practitioners allowing unqualified persons to practice in their name directly or indirectly liable to be struck off the rolls, and such unqualified persons to be committed to prison not exceeding one year.

II. And be it enacted that if any admitted Practitioner shall knowingly and wilfully permit or allow any person not being such an admitted Practitioner in his name to sue out any writ or process or commence prosecute or defend any action or other proceeding in any Court in this Province or if any such admitted Practitioner shall act as Agent for any person not being an admitted Practitioner or permit his name to be in any manner made use of upon the account or for the profit of any unqualified person thereby to enable him indirectly to act as a Barrister Attorney Solicitor or Proctor knowing him not to be duly qualified as aforesaid and complaint shall be made thereof in a summary way to the Supreme Court then proof being made of such offence upon oath to the satisfaction of the said Court every such Practitioner shall be struck off the rolls and be for ever after disabled from practising and upon such complaint and proof as aforesaid it shall and may be lawful for the said Court to commit any such unqualified person so acting and practising as aforesaid to the Debtors' Prison for any time not exceeding one year.

Not to apply to persons practicing by virtue of a certificate upon examination signed by the Judge Advocate-General & Crown Solicitor, nor to Clerks, Law Stationers, &c.

III. Provided always that nothing hereinbefore contained shall be deemed to extend or apply to persons practising by virtue of a certificate upon examination signed by the Judge Advocate-General and Crown Solicitor for the time being of their being sufficiently qualified to practise nor to persons acting only as Law-stationers or as Clerks nor to persons employed solely to copy or engross any deed nor to prevent any Notary Public from practising as such and doing all acts which to the office of Notary Public properly belong nor to prevent any person from drawing or preparing any will or other testamentary papers.

Declaring power of Court to tax costs in Conveyancing as well as other law business and to punish for irregularities.

IV. And whereas it is desirable that no doubt should exist as to the power of the Supreme Court to tax the costs of any admitted Practitioner thereof for business done by him in his professional character or as to the power of the said Court to punish any admitted Practitioner thereof for misconduct in any matter of business entrusted to him in his professional character although no part of such

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such business may in either case arise out of or relate to any action suit or proceeding at Law or in Equity be it therefore enacted that in every case where an admitted Practitioner shall have been employed to draw or prepare any deed of conveyance or to do or advise in any matter of business for fee or reward by virtue or by reason of his being such admitted Practitioner it shall be lawful for the Supreme Court or for any Judge thereof to cause the bill of costs for such matter of business to be taxed in the usual manner of taxing costs in the said Court and also to enquire into and determine any complaint against such Practitioner arising out of such matter of business and to punish him in a summary manner for any misconduct therein and to exercise the like jurisdiction in relation thereto in all respects as the said Court may now lawfully exercise in regard to the conduct of Practitioners and to their bills of costs in matters relating to or arising out of any action suit or proceeding at Law or in Equity.

V. And be it enacted that no admitted Practitioner shall commence or maintain any action or suit for the recovery of any fees charges or disbursements either for business done at Law or in Equity or otherwise until the expiration of one month or more after such Practitioner shall have delivered unto the party or parties to be charged therewith or left at his or their dwelling-house or last place of abode a bill of such fees charges or disbursements signed with the proper hand of such Practitioner.

No action by a practitioner until expiration of one month after bill delivered signed with his hand.

VI. And be it enacted that under the term "Practitioner" shall be included any person admitted and enrolled in the Supreme Court as a Barrister Attorney Solicitor or Proctor and every person practising by virtue of such certificate signed by the Judge Advocate-General and Crown Solicitor as aforesaid.

Definition of term Practitioner.

VII. And be it further enacted that every Attorney Solicitor Proctor and Notary practising as such within the Province shall on or before the First day of January in every year take out a certificate which certificate the Collector of Internal Revenue or other officer in that behalf appointed by the Governor shall grant and issue on proof of the admission and enrolment of the applicant according to the provisions hereof on payment of the annual sum of Five Pounds and every such certificate shall bear date the said First day of January and shall remain in force for one year thereafter and no longer and whosoever shall in his own name or in the name of any other person sue out any writ or process or commence prosecute carry on or defend any action or suit or any proceedings as an Attorney Solicitor Proctor or Notary for or in expectation of any gain fee or reward without having obtained such

Attornies, &c., to be certificated.

certificate shall for every such offence forfeit and pay the sum of Fifty Pounds to be sued for recovered and applied as aforesaid and shall be and is hereby made incapable to maintain or prosecute any action or suit for the recovery of any fee reward or disbursements on account of any such action suit or proceeding.

 **GEORGE GREY,**
Governor and Commander-in-Chief.

*Passed in the Legislative Council, this Thirteenth
day of November, 1843.*

W. L. O'HALLORAN,
Clerk of Council.

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