



# SUPREME COURT PRACTITIONERS BILL, 1856.

*(As passed by the House of Representatives.)*

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY QUEEN  
VICTORIA.

No.      S E S S I O N   I V .

## A N A L Y S I S .

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"><li>1. 16th section of Ordinance of Legislative Council, Session III., No. 1, Supreme Court Rules Nos. 7, 8, 9, 10, and 11; Supreme Court New Rules Nos. 1, 2, 3, and 4; and Ordinance of Legislative Council Session XII., No. 5; repealed.</li><li>2. Definition of persons admissible to practice.</li><li>3. Form of declaration to be signed by applicants for admission.</li><li>4. Term of Clerkship requisite to entitle to admission to practice.</li><li>5. Provision for service of remainder of term where Solicitor to whom any Clerk is bound dies or ceases to practice before expiration thereof.</li></ol> | <ol style="list-style-type: none"><li>6. Barristers practising as Solicitors to be subject to like control as Solicitors.</li><li>7. Barristers and Solicitors to be removable from Roll on reasonable cause.</li><li>8. This Act not to affect "Law Practitioners Act, 1854."</li><li>9. Solicitors to enter their addresses at the office of Registrar.</li><li>10. Barristers and Solicitors may act as perpetual Commissioners under the Act for abolition of Fines and Recoveries on payment to Registrar of proper fee.</li><li>11. Short Title.</li></ol> |
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A BILL to Amend and Consolidate the Law respecting the admission of  
*Barristers and Solicitors to practice in the Supreme Court.* Title.

**W**HEREAS by the 16th section of an Ordinance enacted by the Governor  
of New Zealand, with the advice and consent of the Legislative  
Council thereof (Session 3, No. 1,) intituled "An Ordinance for establishing  
a Supreme Court"; and by certain of the rules touching the practice of the  
Supreme Court of New Zealand confirmed by an Ordinance enacted by the  
Governor of New Zealand, with the advice and consent of the Legislative  
Council thereof (Session 4, No. 1,) intituled "An Ordinance to confirm cer-  
tain Rules, Forms, and Tables of Fees, touching the practice of the Supreme  
Court," being such of the same Rules as are numbered 7, 8, 9, 10, and 11;  
and by certain of the Rules touching the practice of the said Court confirmed  
Preamble.

by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session 7, No. 12,) intituled "An Ordinance to confirm certain Rules, Forms, and Tables of Fees touching the practice of the Supreme Court," being such of the same Rules as are numbered 1, 2, 3, and 4; and by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof (Session 12, No. 5,) intituled "An Ordinance to provide for the admission of Barristers, Attorneys, and Proctors to practice in the Supreme Court other than those admissible under the Supreme Court Ordinance, Session 3, No. 1," provisions are made respecting the admission of Barristers and Solicitors to practice in the Supreme Court, and other incidental matters; and it is expedient to amend and consolidate such provisions.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand as follows:—

16th section of Ordinance of Legislative Council, Session III., No. 1, Supreme Court Rules Nos. 7, 8, 9, 10, and 11; Supreme Court New Rules No. 1, 2, 3, and 4; and Ordinance of Legislative Council Session XII., No. 5; repealed.

Definition of persons admissible to practice.

1. The 16th section of the said Ordinance, Session 3, No. 1, the said Rules of the Supreme Court confirmed by the said Ordinance, Session 4, No. 1, and numbered 7, 8, 9, 10, 11, the said Rules of the said Court confirmed by the said Ordinance, Session 7, No. 12, and numbered 1, 2, 3, and 4, and the said Ordinance, Session 12, No. 5, are hereby repealed.

2. There shall hereafter be enrolled in the Supreme Court of New Zealand, to practice therein as Barristers, such persons only as shall have been admitted to practice as Barristers or Advocates in some part of Great Britain, Ireland, Australia, or Tasmania; and to practice therein as Solicitors such persons only as shall have been admitted to practice as Solicitors, Attorneys, Writers, or Proctors in some part of Great Britain, Ireland, Australia, or Tasmania, or shall have served such term of clerkship with a Solicitor of the Court as is hereinafter made requisite: Provided that any person who shall have duly served the full term of clerkship required by law to qualify him to practice as a Solicitor, Attorney, Writer, or Proctor in some part of Great Britain, Ireland, Australia, or Tasmania, may, upon proof of such service to the satisfaction of a Judge of the Court, be enrolled to practice therein as a Solicitor.

Form of declaration to be signed by applicants for admission.

3. Every person who shall apply to be enrolled as a Barrister or Solicitor of the Supreme Court shall make and sign a declaration in the proper form set forth in Schedule A to this Act annexed.

Term of Clerkship requisite to entitle to admission to practice.

4. No clerk of any Solicitor of the Supreme Court shall be admitted or enrolled as a Solicitor of the said Court unless he shall have been bound by contract in writing to serve as a clerk to such Solicitor during the term of five years subsequent to the date of such contract; nor unless he shall during the whole of such term of service have continued to be actually employed within the Colony as such clerk. Provided that any person who shall have duly served any portion of the term of clerkship required by law to qualify him to practice as a Solicitor, Attorney, Writer, or Proctor, in any part of Great Britain, Ireland, Australia, or Tasmania, or who shall have passed any period as a pupil of any Barrister or Advocate in Great Britain or Ireland may be enrolled to practice in the said Court as a Solicitor after he shall have been bound and shall have been actually employed as aforesaid for such term as with the period of his previous service or pupillage shall complete the full term of five years, or where such additional term would be less than one year, then, and in such case, for the full term of one year.

Provision for service of remainder of term where Solicitor to whom any Clerk is bound dies or ceases to practice before expiration thereof.

5. If any Solicitor to whom any person shall be so bound as aforesaid shall die or cease to practice before the expiration of the term of clerkship, or if such contract shall by mutual consent of the parties be cancelled, and such clerk shall in any such case have been again bound by contract in writing to serve, and shall accordingly have served to any other Solicitor or Solicitors during a term equal to the unexpired part of the original term of service, such last mentioned service shall be deemed to be as good and effectual as if such person had continued to serve as clerk to the Solicitor to whom he was originally bound.

6. Every Barrister who shall practice as a Solicitor or Attorney under the provisions of the "Law Practitioners' Act, 1854," or of any other law or regulation for the time being in force in that behalf shall in all such matters as belong to his practice as a Solicitor or Attorney be subject to the control of the Court in like manner as Solicitors are by law subject thereto.

Barristers practicing as Solicitors to be subject to like control as Solicitors.

7. Every Barrister and Solicitor of the Court shall be removeable from the Rolls of the Court upon reasonable cause, whensoever, and wheresoever the same may have arisen.

Barristers and Solicitors to be removeable from Roll on reasonable cause.

8. Nothing in this Act contained shall repeal or affect the provisions of the "Law Practitioners Act, 1854."

This Act not to affect "Law Practitioners' Act, 1854.

9. Every Solicitor of the Supreme Court shall enter his name, and his place of abode, or some other place where he may be served with Summonses, Orders, Rules, Notices and other proceedings, in a book to be kept for that purpose at the office of the Registrar or Deputy Registrar of the said Court; and shall make the like entry as often as he shall change his place of abode or other such place as aforesaid.

Solicitors to enter their addresses at the office of Registrar.

10. It shall be competent for any Barrister or Solicitor of the Supreme Court to act as a perpetual Commissioner for taking the Acknowledgements of Married women under an Act of the Imperial Parliament, intituled "An Act for the abolition of Fines and Recoveries and for the substitution of more simple modes of assurance," upon payment to the Registrar of the fee of £1 or such other fee as may for the time being be required by the Rules of the Court.

Barristers and Solicitors may act as perpetual Commissioners under the Act for abolition of Fines and Recoveries on payment to Registrar of proper fee.

11. This Act shall be intituled and may be cited as the "New Zealand Law Practitioners' Act, 1856."

Short Title.

## SCHEDULE A.

I. A. B. of                    do solemnly and sincerely declare that I am a Barrister at Law (or Advocate) duly authorized to practice as such in England (Ireland or Scotland, &c., as the case may be) and that I was called to the Bar by the Honorable Society of                    (or admitted, &c.,) on the                    day of                    and that I am the person named in the certificate now produced.

A. B.

Made and declared at                    the                    day of                    before me.

I. A. B. of                    do solemnly and sincerely declare that I am an Attorney of Her Majesty's Court of                    at Westminster (or Writer or Proctor, &c., as the case may be) and that I was duly admitted an Attorney of the said Court at Westminster (or Writer, &c.,) on the                    day of                    and that I am the person named in the Certificate.

A. B.

Made and declared at                    the                    day of                    before me.

CHAS. CLIFFORD,  
Speaker.

Passed the House of Representatives this 30th day of June, 1856.

F. E. CAMPBELL,  
Clerk of House of Representatives.