

CHAPTER 54.

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PART I.

OF THE LAW SOCIETY.

1. The Law Society of Newfoundland shall continue as at present constituted, subject to the provisions of this chapter, and to the bye-laws, resolutions, rules and regulations of the said Society in force on the first day of June, A. D. 1889, except so far as the same are inconsistent with this chapter, until altered by the Benchers of said Society, pursuant to this chapter.

2. The Treasurer and Benchers of the said Society, heretofore incorporated, and their successors, shall continue to be a body corporate and politic by the name of "The Law Society of Newfoundland," and may purchase, take, possess, and after acquiring the same, sell, lease, or depart with any lands and chattels, real or personal, for the purposes of the said Society, but for no other purpose, and may execute all matters pertaining to them to do.

3. The Judges of the Supreme Court of Newfoundland shall be visitors of the Society as heretofore.

BENCHERS.

4. The Attorney General, Solicitor General, the Chief Clerk and Registrar of the Supreme Court, (being a Barrister), and all members of

the Bar of Newfoundland, who have at any time held the office of Attorney General of Newfoundland, and any retired Judge of the Supreme Court shall respectively, *ex officio*, be Benchers of the Society.

5. The Benchers of the Law Society, exclusive of *ex officio* members, shall be seven in number, to be elected as hereinafter provided.

6. The election of Benchers shall be held on the second Monday in January of every third year from the year 1889.

7. Each member of the Bar not hereinafter declared ineligible as an elector, may vote for seven persons.

8. The election shall be conducted as follows, subject to such rules and regulations as may be made by virtue of section 20.

(1.) Due notice having been given to all members of the Bar to attend at the place in St. John's appointed for holding the election, the Secretary shall deliver to each elector present, eligible to vote, a voting paper, which shall contain a list of—

(a.) The names of the *ex officio* Benchers.

(b.) The names of the Benchers then holding office, not being *ex officio* Benchers.

(c.) The names of all members of the Bar qualified for election or re-election.

(2.) The elector then shall vote for, by striking out seven names on the list (c), of those qualified for election or re-election, and folding up the voting paper, place it in the ballot-box in the presence of the Secretary.

(3.) Any elector qualified to vote, and not being present, may vote by proxy, by authorizing some qualified elector to mark his voting paper, which the Secretary shall deliver to the said proxy upon due written authority so to do, and the same rules shall apply to proxies as to members present.

9. The seven persons who have the highest number of votes shall be Benchers of the said Law Society for the next term of three years and shall hold office until the election of their successors, as provided for in section six.

10. Any person entitled to vote at such election shall be entitled to be present at the counting of the said voting papers.

11. The voting papers shall be counted by three scrutineers, of whom one shall be the Secretary, and two shall be appointed by the meeting.

12. In case of an equality of votes between two or more persons, which leaves the election of one or more Benchers undecided, another vote shall be taken in the same manner as hereinbefore provided, the voting being limited to those only who have attained an equality of votes upon the first ballot, and the member or members obtaining the largest number of votes upon such new ballot shall be declared elected.

13. No person shall be entitled to vote at an election if he has ceased to practice his profession or unless all his fees to the Law Society have been paid.

14. (1). The Secretary of the Law Society shall, in the term previous to the time for any election, make out an alphabetical list or register of the members of the Bar who are entitled to vote at the succeeding election, and such register shall be posted up in the Law Library or other place in the Court House in Saint John's, for at least fourteen days before such election.

(2.) In case any member of the Society complains to the Secretary, in writing, of the improper omission or insertion of any name in the list, it shall be the duty of the Secretary forthwith to examine into the complaint and rectify the error, if any there be; and in case any person is dissatisfied with the decision of the Secretary, he may appeal to the Benchers, and their decision shall be final, and such list shall remain or be altered in accordance with their decision.

(3) The Secretary shall add to the list the names of all persons who have been called to the Bar during the term previous to the election, and no alteration shall be made to the list, except as is provided in this section; and the list as it stands revised upon the Monday preceding the election shall be the register of persons entitled to vote at the next election.

(4.) No person whose name is not inserted in the said list shall be entitled to vote at the election.

15. No person shall be eligible as a Bencher at any election who shall not have completed five years at the Bar or who is not qualified to vote at the election.

16. At all elections retiring Benchers shall be eligible for re-election.

17. Any votes cast for any person who is ineligible to be a Bencher, or who is a Bencher *ex officio*, shall be null and void, and the election shall be declared as if such votes had not been cast.

18. In the event of an elector marking more than seven names on his voting paper, the first seven only shall be counted. In the event of there

being less than seven names marked on the paper, it shall be declared null and void.

19. Upon the completion of the scrutiny of the votes the Secretary shall forthwith declare the result of the election and shall cause the names to be published in the issue of the *Royal Gazette*, next ensuing after such election.

20. The Benchers of the Society may make such regulations as they consider expedient, not contrary to the provisions of this chapter, for regulating the procedure under the preceding fourteen sections of this chapter.

21. The voting and other papers belonging to any election shall not be destroyed until after the close of the term next succeeding the election, but the same shall, together with all other papers in connection with the said election, be retained by the Secretary.

22. No elector shall use any other voting paper than that given him by the Secretary, and the voting on any other paper than that supplied by the Secretary shall be void. An elector who spoils a voting paper may obtain another from the Secretary.

23. In the event of there being no Secretary for the time being of the Law Society at the time at which any election under this chapter is to be held, or in the event of the Secretary being unable from illness or other unavoidable cause to act at the election, then and in such case the Treasurer for the time being of the Law Society shall appoint, under his hand, some other person to act as Secretary, and the person so appointed shall perform all the duties of the Secretary as prescribed by this chapter.

24. The persons so elected Benchers aforesaid shall take office immediately after they shall be elected, and shall hold office until the election of their successors.

25. The seat of an elected Bencher who has failed to attend the meeting of the Benchers for two consecutive terms, shall, at the expiration of the said period, become vacant.

26. The Benchers shall, on the first meeting after their election, proceed to elect one of their body as Secretary and one of their body as Treasurer, who shall be and be called the President of the Society; and such Treasurer and Secretary shall hold office until the appointment of their successors; provided that the retiring Treasurer and Secretary shall be eligible for re-election.

27. In case of the failure in any instance to elect the requisite number of duly qualified Benchers, according to the provisions of this

chapter, or in case of any vacancy caused by the death or resignation of any Benchers, or by any other cause, then it shall be the duty of the remaining Benchers, with all convenient speed, at a meeting of the Benchers, to be specially called for the purpose, and to be held to supply the deficiency in the number of Benchers failed to be elected as aforesaid, or caused by any of the means aforesaid, to fill such vacancy by appointing to such vacant place or places, as the same may occur, any person or persons duly qualified under the provisions of this chapter to be elected as a Benchers; and the person or persons so elected shall hold office for the residue of the period for which the other Benchers have been elected.

POWERS OF THE BENCHERS.

28. The Benchers may, from time to time, in convocation, make rules for the government of the Law Society and other purposes connected therewith.

29. Upon any enquiry by the Benchers, or a committee of the Benchers, the Benchers or committee shall have power to examine witnesses under oath; and a summons under the hand of the Treasurer of the Law Society, or under the hand of three Benchers, for the attendance of a witness, shall have all the force of a subpoena; and any witness not attending in obedience thereto shall be liable to attachment in the Supreme Court.

30. The Benchers may appoint such officers and servants as may be necessary for the management of the business of the Law Society.

31. The Benchers may make rules for the improvement of legal education, and may appoint readers and lecturers; and may impose fees and prescribe rules for the attendance of students and articled clerks at such readings or lectures, and for the examinations thereon as conditional to call to the Bar, and admission as a Solicitor, and may establish scholarships and prizes in connection therewith.

32. The Benchers shall have the power heretofore exercised to call and admit to the practice of the Law, as a Barrister, any person duly qualified to be so admitted according to the provisions of law and the rules of the Society.

33. The Benchers may, from time to time, make all necessary rules, regulations and bye-laws respecting the admission of students-at-law, the call or admission of Barristers to practice the law, and all other matters relating to the discipline and honor of the Bar.

34. The Benchers, with the approbation of the visitors, shall, from time to time, make such rules as they consider necessary for conducting the examination of persons applying to be admitted as Solicitors, as well

touching the articles and service, and the several certificates required by law to be produced by them before their admission, as to the fitness and capacity of such persons to act as Solicitors, and may, from time to time, nominate and appoint examiners for conducting such examinations.

35. In any of the foregoing cases where it appears to the Benchers expedient for the purposes of further enquiry or investigation, they may suspend for a period not exceeding twelve months, their final decision in respect to the granting or refusal of any certificate.

36. Whenever a person, being a Barrister or a Solicitor of the Supreme Court of Newfoundland, or a Student-at-Law, or Solicitor's Clerk, serving under articles, has been, or may hereafter be, found by the Benchers of the Law Society, after due enquiry by a committee of their number or otherwise, guilty of professional misconduct, or of conduct unbecoming a Barrister, Solicitor, Student-at-Law, or Articled Clerk, the said Benchers, in convocation, may disbar any such Barrister, and resolve that any such Solicitor is unworthy to practice as such Solicitor, and expel from the Society and the membership thereof such Student or Articled Clerk, and strike his name from the books of the Society and refuse either absolutely or for a limited period, to admit such Articled Clerk to the usual examinations, or to grant him the certificate of fitness necessary to enable him to be admitted to practise.

37. Upon a Barrister being disbarred as aforesaid, all his rights and privileges as a Barrister-at-Law shall thenceforth cease and determine, and notice of his being disbarred shall forthwith be given by the Secretary of the Law Society to the Supreme Court.

38. The non-payment of fees or fines due and payable to the Society by any Barrister, shall be sufficient cause for his being disqualified from practising, and the Benchers shall have power to make all necessary rules for giving effect to this section.

39. Upon its being resolved by a convocation that a Solicitor is unworthy to practise, a copy of the resolution shall forthwith be communicated to the Supreme Court, and thereupon he shall be incapable of practising, and be struck off the roll by the Court, or suspended from practise, as the case may be, unless the Court shall otherwise order, and until the suspension shall cease or he shall be restored by the Court. The same proceedings shall be had, and with the like effect, in respect of any resolution to expel or deprive of membership any Student-at-Law or Articled Clerk, or to refuse to admit him to examination or to grant him his certificate of fitness on the ground of misconduct or unbecoming conduct under section thirty-six.

40. The following procedure shall be observed in respect of the disbarring of any Barrister:

- (1.) Whenever it shall be resolved in convocation that a Barrister be disbarred, such Barrister may appeal therefrom to the next sitting of the Supreme Court, upon giving due notice, setting forth the grounds of appeal, within fourteen days after the passing of such resolution.
- (2.) When such notice shall have been given, the Secretary of the Society shall transmit all papers connected with the charge and proceedings thereunder, and the evidence taken thereon before the Benchers, to the Supreme Court.
- (3.) If no notice be given within the time specified, or in case such appeal be not prosecuted at the next sittings of the Supreme Court, the resolution of the said convocation shall stand confirmed.
- (4.) When any charge shall be preferred to the Benchers against a Barrister, for which he may be disbarred, such Barrister, before being heard in defence, shall surrender to the Secretary his Barrister's certificate and his certificate of admission as a Solicitor of the Supreme Court.
- (5.) In the case of the investigation by a convocation of Benchers of a charge against a Barrister, being a Benchers, such Barrister shall not be present at such convocation as a Benchers.

THE LIBRARY.

41. (1.) The Library of the Society shall vest in and be under the control and management of the Benchers, who shall have power, from time to time, to make all rules and bye-laws for the safe keeping and preservation thereof, the due maintenance of the same, and the regulation and keeping of order in the Library Rooms; and may impose fines upon the members of the Society for the non-observance of such rules and bye-laws.
- (2.) The Benchers may appropriate, in their discretion, such money as may be from time to time in their hands, for the purpose of efficiently maintaining the said Library.

REPORTERS

42. (1.) The Benchers may, from time to time, appoint persons, being members of the Law Society, of the degree of Barrister-at-Law, to be editors and reporters of the decisions of the Supreme Court.
- (2.) Such persons shall hold office at the pleasure of the said Benchers, and shall be amenable to them in convocation for the correct

and faithful discharge of their respective duties, according to such regulations as the said Benchers may, from time to time, make in respect thereof.

43. The Benchers shall make regulations for printing and publishing the reports of said decisions, and the distribution of the reports and the price and mode of issuing thereof, and all such other regulations in respect thereto as they may at any time consider necessary, and any profits arising from the reports shall form part of the general funds of the Law Society.

44. The Benchers shall, from time to time, determine the remuneration to be allowed to the editors and reporters, and shall pay the same out of the general funds of the Society.

ANNUAL AND SPECIAL MEETINGS.

45. There shall be a general annual meeting of the Society at such time in the month of January in each year as the Benchers may appoint.

(1.) At such general annual meeting the Benchers shall report the general condition of the Society and its affairs, and may bring before the members of the Bar for consideration and discussion, such matters and subjects as the Benchers may think necessary for the promotion of legal education and the general interests of the legal profession and the improvement of the laws of the colony.

(2.) The Benchers may make rules and bye-laws for the conduct of the business and discussions at such meeting.

46. Ten or more members of the Bar may, at any time, by writing, under their hands, require the Benchers to call a special general meeting of the Society for any object for which the general interests of the Bar may demand such meeting.

(1.) Every such requisition shall express the object of such meeting, and the Treasurer shall call such meeting to be held within two weeks from the receipt of the requisition.

REVENUE AND EXPENDITURE.

47. All fees payable by Barristers and Solicitors, and for the annual certificates to practise, and by Students and Articled Clerks on admission as such, and on examinations and attendance on lectures and readings, shall be paid into the general funds of the Law Society, and shall be such as the Law Society from time to time prescribes.

48. (1.) The Benchers of the Law Society of Newfoundland shall have power to raise by loan, on the credit of the funds and property of the Society, by public advertisement and on

tender, or as the said Benchers may think fit, a sum of money not exceeding two thousand dollars, which sum, with interest thereon at the rate of five per centum per annum, shall, and is hereby declared to be a first charge by way of mortgage upon the funds and property of the Society, and shall be repayable out of the funds of the Society at the times and in the manner prescribed by the certificate in the schedule annexed to this chapter; and such certificate shall not be subject to the registration law of the colony.

- (2.) The Benchers shall, out of the moneys of the Society, create a sinking fund in the Newfoundland Savings' or other Bank, of such annual sum as will, at the expiration of the time limited for the re-payment of the said loan, liquidate the amount thereof.

PART II.

OF BARRISTERS-AT-LAW.

49 Subject to any rules, regulations or bye-laws, made by the Benchers of the Law Society, the following persons and no others may be admitted to practice at the Bar in Her Majesty's Courts in Newfoundland:

- (1.) Any person of the age of twenty-two years, who shall have been entered of and admitted into the Law Society of Newfoundland as a Student of the Laws, and shall have been standing on the books thereof for five years, and has conformed himself to the rules of the Society, and who shall have been already enrolled a Solicitor of the Supreme Court.
- (2.) Any person who has been admitted into and stands on the books of the Law Society of Newfoundland as a Student of the Laws for three years, and has conformed himself to the rules of the Society, and has, prior or subsequent to the date of his admission to the Society, and to the books of the Society as a student actually taken and had conferred upon him the degree of Bachelor, Master, or Doctor in Arts, Law or Science, (not being an honorary degree) in any of the Universities of the United Kingdom of Great Britain and Ireland, having power to grant degrees, or of any colonial or foreign University or College having power to grant degrees, and approved of by the Benchers, and who has been enrolled a Solicitor of the Supreme Court.
- (3.) Any person who has been admitted into and stands on the books of the Law Society of Newfoundland as a Student of the Laws for four years, and has conformed himself to the rules of the Society, and has, prior or subsequent to the date of his admis-

sion to the said Society and to the books of the said Society as a student actually passed his matriculation examination in any of the Universities aforesaid; or prior or subsequent to the date of his admission to the books of the Society, shall have attended, with the consent of the Benchers, any recognized law school for at least two terms thereof under such rules and regulations as the Benchers may make under this section, and has been enrolled a Solicitor of the Supreme Court.

- (4.) Any person who has been duly called to the Bar of England, Scotland, or Ireland, (excluding the Bar of Courts of merely local jurisdiction), on producing sufficient evidence of such call or admission, and testimonials of good character and conduct to the satisfaction of the Law Society, and has been enrolled a Solicitor of the Supreme Court.
- (5.) Any person who has been duly called to the Bar of any of Her Majesty's Superior Courts in any of Her Majesty's colonies or provinces in which the same privilege would be extended to Barristers from Newfoundland, and who produces sufficient evidence of such call and testimonials of good character and conduct to the satisfaction of the Law Society and has been enrolled a Solicitor of the Supreme Court.
- (6.) Any person who, having become a member of the Law Society of Newfoundland, and having conformed to its rules, shall have obtained his admission as a Solicitor under sub-sections six or seven of section fifty-two of this chapter.

PART III.

OF SOLICITORS.

50. Unless admitted and enrolled, and duly qualified to act as a Solicitor, no person shall act as a Solicitor in any Court of civil or criminal jurisdiction, or before any Justice of the Peace, or shall as such sue out any writ or process, or commence, carry on, solicit or defend any action or proceeding in the name of any other person, or in his own name.

WHO MAY BE ADMITTED.

- 51. (1) All persons heretofore admitted as Solicitors or Attorneys of, or by law empowered to practise in, the Supreme Court, shall be called Solicitors of the Supreme Court of Newfoundland, and shall be entitled to the same privileges, and be subject to the same obligations, so far as circumstances will permit, as they were entitled to be subject to prior to the first day of June, A. D. 1889.
- (2) Any Solicitors or Attorneys to whom this section applies shall be deemed to be officers of the Supreme Court as heretofore,

- (3.) No person shall be admitted a Solicitor of the Supreme Court who shall not have attained the full age of twenty-one years.

52—Subject to the provisions hereinafter contained, and to any rules and regulations made by the Benchers of the Law Society, the following persons, and no others, may be admitted and enrolled as Solicitors.

- (1.) Any person who has been bound by contract in writing to a practising Solicitor in Newfoundland, to serve, and has served him as his Clerk for five years: Provided that the time of such service may be reduced for not more than one year where the said Clerk has, prior or subsequent to his having entered into such contract, attended for two terms at a recognized law school, with the approval and consent of the Benchers of the Law Society; and provided that if he shall have passed the terminal examinations for each of said terms, the time during which he shall have actually attended at such law school shall, for the purposes of this section, be computed as if it had been passed in actual service under his articles of Clerkship.
- (2.) Any person who has actually taken and had conferred upon him the degree of Bachelor, Master, or Doctor in Arts, Law or Science, in any of the Universities or Colleges mentioned in sub-section two, of section forty-nine, and has been bound by contract in writing to a practising Solicitor in Newfoundland to serve, and has served him as his Clerk for three years.
- (3.) Any person who has passed his matriculation examination in any of the Universities of the United Kingdom of Great Britain and Ireland, having power to grant degrees, and been bound by contract in writing to a practising Solicitor in Newfoundland to serve, and has served him as his Clerk for four years.
- (4.) Any person who has been duly called to practice at the Bar of any of Her Majesty's Superior Courts (not having merely local jurisdiction) in England, Scotland or Ireland.
- (5.) Any person called to the Bar of any of Her Majesty's Superior Courts in any of Her Majesty's colonies or provinces in which the same privilege is extended to Barristers from this colony.
- (6.) Any person duly and lawfully sworn, admitted and enrolled as a Solicitor of Her Majesty's Supreme Court of Judicature in England or Ireland, or who has been a writer to the Signet or Solicitor in the Supreme Courts in Scotland.
- (7.) Any Attorney or Solicitor of any of Her Majesty's Superior Courts of Law or Equity in any of Her Majesty's colonies or

provinces, where the same privileges are extended to Solicitors of the Supreme Court of this colony.

SERVICE OF ARTICLED CLERKS.

53. Subject to the powers of the Benchers of the Law Society, the following enactments are made with respect to the service of Articled Clerks:

- (2.) Whenever any person has been bound by contract in writing to serve as Clerk to a Solicitor, such contract, with the affidavit of execution thereof annexed thereto, shall be filed with the Chief Clerk and Registrar of the Supreme Court, who shall endorse and sign upon the contract and affidavit a memorandum of the day of filing thereof, and every assignment of such contract, together with an affidavit of the execution thereof annexed thereto, shall be filed in like manner after the execution thereof. Every such affidavit shall state the date of the execution of the articles or assignment, as the case may be, by the parties thereto respectively. The term of service under articles to entitle an Articled Clerk to be admitted as a Solicitor, shall date only from the time of filing such articles, assignments and affidavits.
- (2.) Every person authorized to practice as a Solicitor may have three Articled Clerks at one time and no more; and a Solicitor shall not have any Articled Clerk as aforesaid, until after he has practised for three years, nor if the Solicitor has discontinued practising as, or carrying on the business of, a Solicitor, nor whilst the Solicitor is employed as a writer or clerk by any other Solicitor; and the service by an Articled Clerk to a Solicitor, under any such circumstances, shall not be deemed good service under the articles.
- (3.) In case any Solicitor, before the determination of a contract of a Clerk bound to him as aforesaid, has become insolvent, or taken the benefit of any act for the relief of insolvent debtors, or been imprisoned for debt, the Supreme Court may, upon the application of the Clerk, order the contract to be discharged or assigned to such person upon such terms and in such manner as the Court thinks fit.
- (4.) If a Solicitor to whom a Clerk has been so bound dies before the expiration of the term for which the Clerk became bound, or if he discontinues practice as a Solicitor, or if he ceases to reside in this colony, or if the contract is by the consent of the parties cancelled, or in case the Clerk is legally discharged before the expiration of the term by any rule or order of the Court, the Clerk may be bound by another contract in writing, to serve as Clerk to any other practising Solicitor during the

residue of his said term ; and in case an affidavit is duly made and filed of the execution of such last mentioned contract within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original contract and the affidavit of its execution, due service under such second or subsequent contract shall be deemed sufficient.

CONDITIONS OF ADMISSION AS SOLICITOR.

54. (1.) Subject to the rules, regulations and bye-laws made by the Benchers of the Law Society of Newfoundland, no person being of the class of persons mentioned in sub-sections one, two, and three, of section fifty-two, shall be admitted and enrolled as a Solicitor, unless—

(a) He has, during the time specified in his contract of service, duly served thereunder, and has, during the whole of such term of service, been actually employed in the proper practice or business of a Solicitor by the Solicitor to whom he has been bound at the place where such Solicitor has continued to reside during such term ; nor unless—

(b) He has, after the expiration of such term of service, been examined and sworn in the manner hereinafter directed ; nor unless—

(c) He has, at least fourteen days next before the first day of the sitting of the Supreme Court in which he seeks admission, left with the Secretary of the Law Society his contract of service, and any assignment thereof and affidavit of the execution of the same respectively, and his own affidavit of due service thereunder, and a certificate of the Solicitor to whom he was bound, of such due service ; and in case he has taken a degree or matriculated or attended a law school, as hereinbefore mentioned, a certificate of his having taken such degree or matriculated or attended at a law school, or a duly authenticated certified copy of such certificate.

(2.) The affidavits shall be in the form approved of by the visitors of the Law Society, and shall by the applicant be delivered to the Law Society upon his application to be examined.

(3) No candidate shall be admitted unless he takes the oath of allegiance and makes and subscribes the oath or affirmation following :

“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 Solicitor according to the best of my knowledge and ability. So help me God.”

EXAMINATIONS.

55. Subject to any rules, regulations and bye-laws made by the Benchers of the Law Society of Newfoundland, the following enactments are made with respect to the examination of Articled Clerks and candidates for admission as Solicitors.

- (1.) The Benchers of the Law Society of Newfoundland may, by regulation, require that a *preliminary* examination shall be passed before a Clerk shall be bound under articles.
- (2.) No person being of the class of persons mentioned in sub-sections one, two, and three, of section fifty-two, shall be admitted or enrolled as a Solicitor, unless he shall have passed an intermediate and final examination at the time and in the manner prescribed by the rules and bye-laws of the Society.
- (3.) In case any person is prevented by illness or other unavoidable cause from presenting himself for, or fails to pass either of the examinations by this section required, within the time specified in the rules or bye-laws, the Benchers may, in their discretion, permit such person to pass such examination at other times, but not less than twelve months shall elapse between the first and the second of such examinations, and not less than twelve months shall elapse between the second of such examinations and the final examination.
- (4.) No Benchers or Examiner shall take part in any examination or any question respecting the service of an Articled Clerk who shall have completed his term of service with such Benchers or the partner of such Benchers or Examiner.

56. Subject to the rules and regulations of the Law Society of Newfoundland, as aforesaid, no candidate for admission, being of the class of persons respectively mentioned in sub-sections four, five, six and seven, of section fifty-two of this chapter, shall be admitted, unless—

- (1.) Such candidate, at least fourteen days before the first day of such term, leaves with the Secretary of the Law Society—
- (a.) In the case of a Barrister, a certificate under the seal of the Society or Inn of Court of which he is a member, duly attested under the proper hand of the proper officer thereof, that he has been duly called to the Bar, and was at the date of such certificate on the books of such Society or Inn of Court, and also an affidavit of the applicant to the satisfaction of the Benchers of the Law Society, that since his admission to the Bar no application to any Society or Inn of Court has been made against such person to disbar him, or otherwise to disqualify him from further practice for misconduct in such his capacity of Barrister.

(b.) And in the case of an Attorney or Solicitor, a certificate under the seal of the proper Court or Courts, duly attested under the hand of the proper officer thereof, that he was duly admitted and enrolled as such Attorney or Solicitor, and was at the date of such certificate on the roll of Attorneys or Solicitors of such Court or Courts; and also an affidavit of the applicant that since his admission, as aforesaid, no application to any such Court or Courts, as the case may be, has been made against such person to strike him off the roll of any such Court or otherwise to disqualify him in the capacity of Attorney or Solicitor.

(2.) The certificates respectively shall bear date within six months of the first day of the sitting of the Court or term during which the application is made.

57. The Benchers of the Law Society of Newfoundland, with the approbation of the visitors, shall, from time to time, make such rules as they consider necessary for conducting the examination of persons applying to be admitted as Solicitors, as well touching the articles and service and the several certificates required by law to be produced by them before their admission, as touching the fitness and capacity of such persons to act as Solicitors; and the Society may, from time to time, nominate and appoint examiners for conducting such examinations.

58. The Benchers of the Law Society, upon proof to their satisfaction of the requirements of this chapter having been complied with, shall examine and enquire by such ways and means as they think proper touching the fitness and capacity of any applicant for admission to act as a Solicitor; and if satisfied by such examination, or by the certificate of the examiners mentioned in section fifty-seven of this chapter, that such person is duly qualified, fit and competent to act as a Solicitor, the Society shall give a certificate under the corporate seal of the said Society of the due service under contract in writing, of such person, and of his fitness and capacity, and of his having duly complied with the requirements of this chapter, and that he is in all respects duly qualified to be admitted as a Solicitor

59. Upon production to one of the Judges of the Supreme Court annexed to such certificate of the original contract of service, and any assignments thereof, and the affidavits of due service thereunder, and all other certificates hereinbefore required, such Judge, upon being satisfied of the fitness and capacity of the candidate, shall endorse his fiat of admission upon the certificate of the Law Society; and thereupon the Supreme Court shall, upon such person taking in open Court the oaths hereinbefore directed to be taken by Solicitors, cause him to be admitted, and his name to be enrolled as a Solicitor, and a certificate of such admission given by the Chief Clerk and Registrar of the Supreme Court, under the seal of the Court, and the documents upon which the admission

has been obtained shall be filed and retained of record in the office of the Court.

FEES.

60. The following fees shall be payable to the Chief Clerk of the Supreme Court for the Law Society under this chapter, that is to say:

1. On filing articles	...	...	...	...	...	\$5.00
2. Assignments, if any	...	...	...	...	...	2.50
3. Every affidavit	...	...	...	...	...	50
4. Every certificate	...	...	...	...	...	2.50
5. Every fiat or admission	...	...	...	...	...	5.00
6. For every writ, whether mesne or final, issued by a Solicitor out of the Supreme Court in St. John's	...	...	...	...	...	25

Such fees, when received, shall be paid to the Secretary for the purposes of the Law Society.

ANNUAL CERTIFICATES.

61. The Chief Clerk and Registrar of the Supreme Court shall, annually, during the first week in January in every year, deliver to the Secretary, certified under his hand and the seal of the said Supreme Court, a copy of so much of the roll as contains the names of Solicitors admitted to practice subsequently to the last return made to the said Secretary.

62. The Secretary shall enter all such certified copies in a book to be kept in his office for that purpose, affixing to each name a number, following in consecutive order the numbers affixed to the names previously entered.

63. The Secretary shall, in another book, to be kept in his office for that purpose, enter all the names contained in the copies so transmitted to him, alphabetically arranged, with a reference to the number of each name on the roll; and shall annually, on or before the first Monday of January in each year, put up in the library of the Society, and also in the office of the Chief Clerk and Registrar of the Supreme Court, an alphabetical list certified by him, under his hand, of all Solicitors who have taken out their certificates for the current year, and shall, from time to time, add to such lists the name of each Solicitor who takes out a certificate at a subsequent period of the year, noting thereon the time when the certificate was taken out

- (1.) Every practising Solicitor shall obtain from the Secretary of the Law Society, annually, before the first Monday in January, a certificate under the seal of the said Society, stating that he is a practising Solicitor in the Supreme Court.
- (2.) Such certificate shall be issued by the Law Society, under the seal of the Society, according to the list of names appearing

on the roll of Solicitors certified to the said Secretary, as aforesaid.

- (3.) Upon the payment of all fees and dues payable by such Solicitor to the said Society, the Secretary shall write his name on the margin of the certificate, with the date thereof, and the certificate shall be taken as issued only from such date
- (4.) The Law Society shall determine what fees shall be payable for certificates.

64. No certificate shall be issued to any Solicitor who is indebted to the Society for any fee or fine payable to the Society, nor until the annual fee for each certificate prescribed by the rules of the Society is paid.

65. No Solicitor admitted as aforesaid, need take out any such certificate until the first Monday in January next following his admission.

- (1) If a Solicitor omits to take out such annual certificate, as aforesaid, he shall not be entitled thereto until he pays to the Law Society not only a certificate fee, so appointed, as aforesaid, together with any other fees or dues which he owes to the Society, but also an additional sum by way of penalty, as follows:
- (2.) If such certificate is not taken out before the first Monday in February, the further sum of one dollar; if not before the first Monday in March, the further sum of two dollars; and if not before the first Monday in May, the further sum of three dollars; and if not taken out before the 20th day of May, the further sum of five dollars.

66. If a Solicitor, or any member of a firm of Solicitors, either in his own name or in the name of any member of his firm, practises in the Supreme Court without such certificate being taken out by him and by each member of his firm, he shall forfeit the sum of two hundred dollars, which forfeiture shall be paid to the Law Society for the uses thereof, and may be recovered in the Supreme Court in the name of the Law Society which shall sue for the same

67. If a Solicitor practises in the Supreme Court, Vice-Admiralty Court, Sessions Court or Districts Courts without such certificate in each and any year of his practice, he shall be liable to be suspended from practice for such offence for a period of not less than three months nor more than twelve months, and to continue so suspended until the fee upon his certificate for the year in which he so practised without certificate is, together with a penalty of fifty dollars, paid to the Law Society.

68. In case a Solicitor is a prisoner, in any gaol or prison, he shall not during his confinement therein, or within the limits thereof, com-

mence, prosecute or defend as such Solicitor any action in any Court nor act in any manner in bankruptcy or insolvency; and any Solicitor so practising, and any Solicitor permitting or empowering him so to practise in his name, shall be guilty of a contempt of the Court in which any such proceedings take place, and upon the application of any person complaining thereof shall be punishable by such Court accordingly; and such Solicitor shall be incapable of maintaining any action for the recovery of any fee, reward or disbursement for or in respect of any matter or thing done by him whilst a prisoner, as aforesaid, in his own name or in the name of any other Solicitor.

69. In case a Solicitor wilfully and knowingly acts as the professional agent of any person not duly qualified to act as a Solicitor, or suffers his name to be used in any such agency on account of or for the profit of an unqualified person, or sends any process to such person or does any other act to enable such person to practise in any respect as a Solicitor, knowing him not to be duly qualified, and in case complaint is made thereof in a summary way to the Supreme Court, and proof is made upon oath to the satisfaction of the Court, the Solicitor so offending may, in the discretion of the Court, be struck off the roll and disabled from practising as such Solicitor; and the Court may also commit such unqualified person, so having practised as aforesaid, to any common goal or prison for any term not exceeding one year.

70. The Supreme Court may fine or suspend any Solicitor, or strike his name off the roll of Solicitors of the Court for default by him in the payment of moneys received by him as a Solicitor.

71. In case any person, unless himself a plaintiff or defendant in the proceeding, commences, prosecutes or defends in his own name or that of any other person, any action or proceeding without being admitted and enrolled as aforesaid, he shall be incapable of recovering any fee, reward or disbursements on account thereof, and such offence shall be a contempt of the Court in which such proceeding has been commenced, carried on or defended, and punishable accordingly.

72. No Solicitor shall practice in any Court in Newfoundland, either in his own name or by his partner, deputy or agent, or in the name of any other person, or otherwise, directly or indirectly, while he holds, possesses, practises, carries on or conducts any of the offices of Chief Clerk and Registrar of the Supreme Court, Assistant Clerk of the Supreme Court, Clerk of the Peace, Clerk of any District Court, or Sheriff, and every person so practising shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of five hundred dollars, to be recovered in an action in the Supreme Court by any Solicitor who shall sue for the same, which penalty, when recovered, shall be paid to the Law Society for the uses thereof.

73. No Solicitor shall practice in any of the Courts of Newfoundland during the time he is engaged in the business of a merchant or connected

by partnership, public or private, in purchasing or vending merchandize in the way of trade as a merchant, nor until after he has ceased to be such merchant or to be so engaged or to be connected as aforesaid

TIME LIMITED FOR STRIKING A SOLICITOR OFF THE ROLL.

74. Except in case of fraud; no person admitted and enrolled shall be struck off the roll on account of any defect in the articles of clerkship or in the registry thereof, or in his service thereunder, or in his admission and enrolment, unless application for striking him off the roll is made within twelve months next after his admission and enrolment.

PROCEEDINGS IF STRUCK OFF THE ROLL.

75. When a Solicitor is struck off the roll of the Supreme Court the Chief Clerk and Registrar of the Supreme Court shall certify the same under his hand and seal of the Court to the Secretary of the Law Society, stating whether such Solicitor was struck off at his own request or otherwise, and the Secretary shall, in the book to be kept by him as aforesaid, make a note opposite the name of such person of his having been struck off the roll.

SCHEDULE.

We, _____, Treasurer, and _____, Secretary of the "Law Society of Newfoundland," hereby certify that by virtue of section forty-eight of chapter fifty-four of the Consolidated Statutes, second series, entitled "Of the Law Society, Barristers and Solicitors," authorising the Law Society of Newfoundland to raise by loan a sum of money for the purpose of the said Society, we have received by way of loan from _____ the sum of _____ dollars, bearing interest at the rate of five per cent. per annum, payable half-yearly on the last days of June and December in each year, until after the expiration of twenty-five years from the date hereof, when the same shall be repayable to the said _____

And it is hereby covenanted that this certificate shall operate as a mortgage on all the funds and property of the said Society for the securing of the payment of the said principal and interest when due thereunder, and without being subject to the registration law of this colony.

Given under our hands and the seal of the Law Society of Newfoundland, at St. John's, this _____ day of _____, A. D. 189 _____

{ Seal of the }
{ Law Society. }

A. B.,
Treasurer.

C. D.,
Secretary.