

1852.

VICTORIA.

BARRISTERS—ATTORNEYS.

*Laid upon the Council Table by the Colonial Secretary by Command of His Excellency the Lieutenant Governor, and ordered by the Council to be printed, 17th September, 1852.*

RULES AND REGULATIONS

For admission to Practise as Barristers, and as Attorneys, Solicitors, and Proctors, in the Supreme Court of the Colony of Victoria, of persons not previously admitted as Barristers or Advocates, or as Attorneys, Solicitors, or Writers to the Signet in the Superior Courts of Westminster, Dublin, and Edinburgh.

WHEREAS by an Act of the Lieutenant Governor and Legislative Council of the Colony of Victoria, passed in the fifteenth year of the reign of Her Majesty Queen Victoria, intituled "*An Act for the better Administration of Justice in the Colony of Victoria,*" it was amongst other things enacted, "That it shall be lawful for the Supreme Court of the Colony of Victoria from time to time to make such Rules for regulating the admission of Barristers and of Attorneys, Solicitors, and Proctors, to practise therein, and also the Qualification of Candidates to practise as Barristers, and as Attorneys, Solicitors, and Proctors, in the said Court, and for regulating the examination or further or renewed examination of such candidates, and the several departments of Literature, Science, and Law, in which respectively such candidates are to be examined, and for fixing the amount of Fees and Costs to be paid by them, and the mode of application of the same, as to the said Court shall seem meet; and such rules from time to time to repeal, vary, and alter, as occasion may require."

We, the Judges of the said Court, do make and promulgate the following rules for regulating the admission, qualification, and examination of candidates to practise as Barristers and as Attorneys, Solicitors, and Proctors in the said Court, and the amount of Fees and Costs to be paid by them, and the mode of application of the same.

I.

*Board of Examiners for Barristers—Board of Examiners for Attorneys.*

There shall be two Boards of Examiners in the Supreme Court of the Colony of Victoria, which shall be respectively called "The Board of Examiners of the Supreme Court for Barristers," and "The Board of Examiners of the Supreme Court for Attorneys."

II.

*Constitution of Board of Examiners for Barristers.*

"The Board of Examiners of the Supreme Court for Barristers" shall consist of all the Judges of the said Court, Her Majesty's Attorney General of the said Colony, and two practising Barristers of the said Court, who shall be elected annually in the month of December in each year by the practising Barristers of the said Court; and for the year ending the 31st of December, 1852, and until such election, it shall be competent for the said Judges to nominate such practising Barristers.

III.

*Election of Practising Barristers.*

Each practising Barrister of the said Court desirous to vote, shall, on or before the 10th day of December in each year, signify in writing, signed by him and addressed to the said Board the names of the two practising Barristers who he proposes shall act for the ensuing year as members of the Board, and the Board shall nominate as such members those for whom the highest number of votes is given.

IV.

*Meeting of the Board—Adjournment—Quorum.*

The Board shall meet as often as occasion may require, and may adjourn its meetings if deemed necessary.

Three members shall form a Quorum for the transaction of business, and the majority of the members present shall decide all questions which may arise.

## V.

*Board or its Appointees may examine Candidates.*

The said Board may either by all or any number of its members, or by any competent person or persons appointed by it, conduct the examination of all candidates, in such order, and on such days and times as may be fixed.

## VI.

*Qualification of Candidates not previously admitted.*

Every person applying to be admitted to practise as a Barrister, or as an Attorney, Solicitor, or Proctor in the said Court, not previously admitted as a Barrister or Advocate or as an Attorney, or Solicitor, or Writer to the Signet, in any of the superior courts of Westminster, Dublin, or Edinburgh, must be a natural born, or naturalised, British subject of the full age of twenty-one years, of good fame and character; and such person shall, one calendar month before the time when he proposes to submit to be examined, cause to be left with the Secretary of the Board of Examiners for Barristers, satisfactory proof thereof, together with a certificate in the form hereunto annexed and shall if required attend the said Board for the purpose of giving further explanation touching the same.

## VII.

*Candidates to be admitted as Barristers to be examined.*

Every such person applying to be admitted to practise in the said Court as a Barrister must submit to be examined in the ancient Greek and Latin Classics, in Mathematics, History, and Law, and in such other branches of Knowledge and Science as "The Board of Examiners of the Supreme Court for Barristers" may from time to time direct; and he shall at the time of giving the notice above required, also cause a list in writing to be left with the Secretary of the said Board, setting forth the names of the works (from amongst those hereafter mentioned) in which he is desirous to submit to be examined.

## VIII.

*Appointment of Time, &c., for Examination.*

The Board, when satisfied as to the character of the candidate, shall name the persons to conduct the examination, and fix a place, day and hour for the same, of which one week's notice in writing shall be given to the candidate, who shall attend the examiners as directed thereby, and the examiners shall have power to adjourn from time to time, as may be necessary.

## IX.

*Subjects in which Candidates examined.*

There shall be one examination paper on each of the following subjects:—

1. Greek and Latin.
2. Mathematics and Algebra.
3. Ancient History.
4. English History.
5. Universal History.

and five on Law, on the respective subjects of—

1. Real Property and Conveyancing.
2. Common Law Pleading and Practice.
3. Equity and Insolvency.
4. Criminal Law.
5. Evidence, and the Law of Contracts,

and each shall contain not fewer than twelve nor more than eighteen questions; and not more than two hours will be allowed to the Candidate for answering one examination paper.

## X.

*Mode of Examination.*

The Examination shall be conducted by questions in writing, given to the Candidates and answered by them in writing, in the presence of the Examiners or one of them.

The Candidate shall sign his name to the answers of the examination papers, and the Examiners shall enclose and seal the same, and submit them without delay to the Board; and report to the Board as to each branch of the examination whether the Candidate has answered satisfactorily or not.

## XI.

*Board to determine on Admission, Rejection, or further Examination.*

The Board, or the major part of them, shall determine as to the admission or rejection of the Candidate, or direct that he submit to a new or additional examination at some future day. If he be approved of, he may be admitted and sworn in on his own motion, or that of any Barrister of the said Supreme Court, on the next Banco day after the determination of the Board.

## XII.

*Board of Examiners for Attorneys.*

"The Board of Examiners of the Supreme Court for Attorneys" shall consist of all the Judges and three Attorneys of the said Court, to be named by the Judges thereof in the month of December in each year, to act during the ensuing year.

## XIII.

*Examination of such Candidates.*

Every person applying to be admitted to practice as an Attorney, Solicitor and Proctor in the said Court, not previously admitted as an Attorney, Solicitor or Writer to the Signet, in any of the Superior Courts of Westminster, Dublin or Edinburgh, must submit to be examined by the Attorneys, Members of the said "Board of Examiners of the Supreme Court for Attorneys" in the following branches of the Law:—

1. Real Property and Conveyancing.
2. Practice of the Court in its various branches.
3. Criminal Law.

## XIV.

*Qualifications of Candidates to practice as Attorneys.*

The examination of every Candidate desirous to be admitted to practice as an Attorney, Solicitor and Proctor in the said Court, shall be conducted by the said Attorneys of the said Board of Examiners of the Supreme Court for Attorneys, at such places, days and hours as they may appoint; and in the same manner and subject to the same rules in every particular as are hereinbefore mentioned for the examination of Barristers, and the said Attorneys of the said Board shall report the result of their examination to the said Judges, who shall determine as to the admission or rejection of such candidate, or direct that he submit to a new or additional examination at some future day. If he be approved of, he may be admitted and sworn in on the motion of any Barrister of the said Supreme Court, on the next Banco day after the determination of the Judges.

## XV.

*Table of Fees.*

The following fees shall be paid on the admission of Barristers and Attorneys.

	Guineas.
By every Barrister not previously admitted to practise in the Superior Courts of Westminster, Dublin, or Edinburgh .....	30
By every Barrister of England, or Ireland, or Advocate of Scotland.....	10
By every Attorney, Solicitor, or Proctor, not previously admitted to practise in any Court .....	25
By every Attorney, Solicitor, or Proctor, previously admitted to practise in any Court	5

## XVI.

*Application of Fees.*

All such fees shall be applied to the purchase of a Library, for the use of the said Supreme Court, as the said Board of Examiners may consider most advantageous, and may from time to time direct.

## XVII.

*Time of Payment of Fees.*

All such fees shall be paid to the Secretary of the Board of Examiners for Barristers: in the case of applicants previously admitted in the Superior Courts of Westminster, Dublin, or Edinburgh, prior to the motion made for admission to practice in the said Supreme Court; and in the case of candidates, not so previously admitted, prior to their submitting to the examination required; and in any case in which any applicant or candidate be not admitted to practice in the said Supreme Court, the fee so required to be paid by him, shall be returned to him at his request.

## XVIII.

*Fees received, to be lodged in Bank to the credit of the Chief Justice.*

All such fees received by the said Secretary, shall be by him lodged in Bank, to the credit of the Chief Justice of the said Court, on account of "The Supreme Court Library Fund," and entries of such receipts, lodgments, and of all disbursements, shall be duly made in a Book, to be called "The Supreme Court Library Fee Book," to be kept by such Secretary.

## XIX.

*Account of Fees to be published in Court on the first day of each term.*

The Secretary, or in his absence, such other person as the Chief Justice may direct, shall on the first day of every term, present an account of all such fees, received by such Secretary, since the first day of the preceding Term, and the mode of disbursement of the same, or any part thereof, and the amount remaining undisposed of, if any.

## XX.

The following works will be those from which the Examiners will select the questions for the examination of Candidates.

## FOR BARRISTERS.

*Mathematics.*

Euclid, Book I.—

Hutton on Butler's Algebra, to Quadratic Equations.

*Classics.*

Greek :—

Any one Book of the Evangelists  
Any one Book of Homer's Iliad  
Any one Tragedy of Euripides or of Sophocles.

Latin :—

Any three Orations of Cicero  
Any three Books of Virgil  
Any one Book of Horace.

*History.*

Arnold or Hook's Rome.  
Thelwall or Grote, Greece.  
Hume and Smollett, with continuation, England.  
Hallam's Constitutional History.  
Alison's History of Europe.

*Law.*

Stephen's Commentaries.  
Hayes, or Watkins, or Burton, on Conveyancing.  
Stephen on Pleading.  
Tidd, or Archbold, or Bayley, or Lush, on Common Law practice.  
Daniel, or Smith, or Grant, on Equity Practice.  
Burton on Insolvency.  
Russel or Archbold, on Criminal Law.  
Phillips, or Starkie, or Greenleaf, or Taylor, on Evidence.  
Sugden's Vendors and Purchasers, Chitty on Contracts, or Smith's Mercantile Law.  
Smith's Leading Cases.

Signed

{ WILLIAM A'BECKETT, C. J.  
REDMOND BARRY.  
EDWARD EYRE WILLIAMS.

## CERTIFICATE.

We the undersigned hereby certify that we have been acquainted with

for (*at least twelve months*)

and believe him to be a fitting person to apply to be admitted to practise at the Bar (*or as an Attorney, Solicitor, and Proctor*) of the Supreme Court of the Colony of Victoria; we believe that he is a natural born (*or naturalised*) British subject, of the full age of twenty-one years, that he is a person of good fame and character and not engaged in any trade.

Signed

A. B.  
C. D.

Dated this

day of

A. D. 185