

Award of arbitrators in matters of compensation to be final.

Penalty for damaging works.

34. The award of the arbitrators or umpire shall be final and conclusive, as between the Governor and the said company.

35. Every person who shall unlawfully and maliciously commit any damage, injury, or spoil to, or upon any telegraph, work, or post, mentioned in this Ordinance, whether laid down, erected, or placed before or after the passing of this Ordinance, shall, on conviction thereof before any Stipendiary Justice of the Peace, be imprisoned and kept to hard labour for such term not exceeding two calendar months as such Justice shall see fit.

*Miscellaneous.*

Ordinance grants no exclusive privileges.

36. Nothing in this Ordinance contained shall be understood to grant any exclusive rights to the company or to prevent the like privileges being extended to any private persons or corporate bodies desiring to carry on telegraphic communications with this Island.

Company not to acquire exclusive privilege of telegraphic communication in State of Panama.

37. Provided always that the powers and privileges granted to the company by this law are so granted on the condition that the company is not now in possession of, and shall not at any time hereafter acquire any exclusive right or privilege of telegraphic communication in the State of Panama, and that in case of such possession or acquisition all the powers and privileges by this law granted shall cease and determine.

Passed in Council this first day of July, in the year of our Lord one thousand eight hundred and seventy-one.

A. C. ROSS,  
*Clerk of the Council.*

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No. 7.—1871.

AN ORDINANCE for amending the laws relating to the admission of Attorneys and Solicitors.

(L.S.) J. R. LONGDEN, *Governor.*

21st August, 1871.

**W**HEREAS it is expedient to alter and amend the laws relating to the admission of attorneys and

solicitors; Be it enacted by His Excellency the Governor, by and with the advice of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as “The Attorneys’  
“ and Solicitors’ Ordinance, 1871.” Short title.

*Interpretation.*

2. In this Ordinance the following terms and words have the meaning herein respectively assigned to them, Interpretation  
of terms.  
viz. :—

1. The term “Articled Clerk” means a person who is bound by a contract in writing to serve as a clerk for a period of four or two years to an attorney or solicitor practising in this Island, with the view of being examined, admitted and enrolled as an attorney and solicitor under this Ordinance, and who has or has not completed his term of service: but who is not admitted to practise as an attorney or solicitor. “Articled  
clerk.”
2. The term “Courts” means all the Courts in this Island, and having a superior, inferior, equity, common law, admiralty, bankruptcy, insolvency, statutory, criminal, or quasi criminal jurisdiction: “Courts.”
3. The word “Judges” means the judges for the time being of the Supreme Civil Court of this Island: “Judges.”
4. The term “Attorney” means a person admitted to practise in all Courts save the Supreme Civil Court in Equity, and also a firm of attorneys: “Attorney.”
5. The term “Solicitor” means a person admitted to practise in all courts save the Supreme Civil Court having cognizance of civil and mixed pleas and exercising the same jurisdiction in civil matters as the Courts of Queen’s Bench and Exchequer exercise in England, and also a firm of solicitors: “Solicitor.”
6. The term “The Incorporated Law Society” means “the Incorporated Society of Attorneys, Solicitors, Proctors and others not being barristers” “Incorporated  
Law Society.”

practising in the Courts of Law and Equity in the United Kingdom of Great Britain and Ireland”:

“Registrar.”

7. The term “Registrar” means the registrar for the time being of the Supreme Civil Court.

“Roll.”

8. The word “Roll” means the roll or book or rolls or books which the registrar was required to keep by the laws in force before the commencement of this Ordinance.

As to persons allowed to practise as attorneys and solicitors, and penalty for practising without being duly enrolled.

3. No person shall act as an attorney or solicitor or as such attorney or solicitor, sue out any writ or process, or commence, carry on, solicit, defend or act in any action, suit or other proceeding in the name of any other person or in his own name in any of the Courts, or act as such in any cause, matter, or proceeding before any Stipendiary or other Justice of the Peace, Commissioner of the Petty Civil Court, or coroner, unless such person is enrolled by virtue of the laws in force before the commencement of this Ordinance in the book kept for that purpose by the Registrar or is admitted and enrolled pursuant to this Ordinance: and every person who acts as an attorney or solicitor without being duly enrolled as aforesaid, shall be deemed guilty of a contempt of the Court in which the action, suit, cause, matter or proceeding in which he so acts, is brought, had or taken, and may be punished accordingly, and shall be incapable of maintaining any action or suit for any fee or reward for or in respect of anything done or any disbursement made by him in the course of so acting, and shall in addition to any other penalty or forfeiture, and to any disability to which he may be subject, forfeit and pay for every such offence, the sum of fifty pounds, to be recovered with full costs of suit on an information, filed in the Supreme Civil Court in the name of the Attorney General, and such penalty shall be applied to the use of Her Majesty the Queen.

Provision in favour of persons admitted to practise in the United Kingdom.

4. Every person who shall have been admitted to practise and shall be actually on the roll as an attorney or solicitor in the Courts of Law or Equity in England or Ireland, or shall have been admitted and be actually on the roll in the Supreme Courts of Scotland as a writer to the signet, or as a solicitor, shall be admitted to practise as an attorney or solicitor in all the Courts, on his being enrolled in pursuance of this Ordinance.

## PART I.

*The contract of Articled Clerks, their service and capability of being admitted Attorneys and Solicitors.*

5. Every person who shall be hereafter bound by contract in writing to serve as a clerk, for and during the term of five years, to a practising attorney or solicitor in this Island, shall, when he has so served for and during the said term, be capable of being examined, admitted and enrolled as an attorney and solicitor.

Provision in favour of persons who have served for five years as articled clerks to practising attorneys, &c.

6. Provided always that actual and *bona fide* attendance for any part of the said term, not exceeding one year, in the chambers of any practising barrister or advocate as a pupil of such barrister or advocate either by virtue of any stipulation in such contract or with the permission of such attorney or solicitor shall be and be deemed to have been good service under such contract for such part of the said term.

Attendance as a pupil in the chambers of a barrister, &c., for one year to be computed as services under contract.

7. Provided, also, that any person who, either before or after the passing of this Ordinance, shall for the term of ten years have been a *bona fide* clerk to a barrister, advocate, attorney or solicitor practising in this Colony, and shall produce to the judges, satisfactory evidence that he has, faithfully, honestly and diligently served as such clerk, and also after the expiration of the said term of ten years, has been bound by, and duly served under a contract in writing to a practising attorney or solicitor in this Island for the term of two years shall be capable of being examined, admitted and enrolled as an attorney and solicitor.

Provision in favour of persons who have served as clerks to a barrister, &c., for ten years.

8. Every articled clerk shall during any of the said terms of service to be specified in the said contract continue and be actually employed by the attorney or solicitor to whom he is bound in the proper business, practice or employment of an attorney or solicitor, and except in the case mentioned in the sixth section shall not hold any office or engage in any employment whatsoever, other than the employment of clerk to such attorney or solicitor or his partner or partners (if any) in the business and practice of an attorney or solicitor.

Articled clerks not to engage in any other employment.

Affidavit  
respecting  
service, &c.,  
to be filed  
before  
examination.

9. No person shall be examined for the purpose of being admitted an attorney or solicitor by reason of service as an articled clerk, unless he shall prove by an affidavit of himself or of the attorney or solicitor to whom he was an articled clerk, or of the barrister or advocate in whose chambers such person may have been employed as a clerk or pupil to be duly made and filed with the Registrar that he hath actually and really served and been employed by such practising attorney, solicitor, barrister or advocate during the whole of each of the terms respectively and in manner required by the provisions of this Ordinance, and that he has not held office or engaged in any employment contrary to the enactment of the eighth clause.

Disenrolment of  
attorney or  
solicitor not  
to affect  
persons who  
have served  
under him  
as articled  
clerks.

10. No person shall be prevented or disqualified from being examined or admitted or enrolled as an attorney or solicitor or liable to be struck off the roll, if admitted by reason, or, in consequence of the attorney or solicitor to whom he may have been an articled clerk, having been after the service of such articled clerk struck off the roll.

## PART II.

*Registrar of the Supreme Civil Court to keep a book for entering affidavits, and have care and custody of roll of Attorneys and Solicitors.*

Registrar to  
keep a book  
for the entry  
of affidavits.

11. The Registrar shall keep a book wherein shall be entered every affidavit which shall be filed as required by the ninth section, and also every affidavit which shall be filed as required by the thirteenth section, specifying the name and place of abode of the attorney or solicitor to whom any person may have become an articled clerk, and of such articled clerk, and of the person making such affidavit, with the date of the contract in such affidavit mentioned, or referred to, and the day of swearing and filing any such affidavit respectively, and the registrar shall be at liberty to charge for the filing of every such affidavit the sum of one shilling and no more, and such book shall, and may be searched in office hours by any person whomsoever.

Registrar to  
keep roll for  
enrolment of  
attorneys, &c.

12. The Registrar shall have the custody and care of the roll wherein persons are enrolled as attorneys or solicitors in the Courts under the laws in force before

the commencement of this Ordinance and he shall, and is hereby required from time to time, without fee or reward, to enrol the name of every person who shall be admitted an attorney or solicitor in the Courts, and the time when admitted, in alphabetical order, in the said roll, to which roll all persons shall and may have free access without fee or reward, and it shall be the duty of such Registrar to issue certificates of persons who have been admitted and enrolled as attorneys or solicitors, and are entitled to practise as such, and it shall be lawful for the judges to make such orders, directions and regulations touching the performance and execution of the duties aforesaid, as they shall think proper.

### PART III.

#### *Attorneys and Solicitors having Articled Clerks.*

13. Every attorney or solicitor to whom any person shall become an articled clerk shall, within thirty days after the signing of the contract by which such person has become an articled clerk, make and duly swear, or cause or procure to be made and duly sworn before one of the judges, an affidavit or affidavits of such attorney or solicitor having been duly admitted and enrolled, and also of the actual execution of every such contract by him the said attorney or solicitor, and by such articled clerk, and in every such affidavit shall be specified the names of every such attorney or solicitor, and of every such articled clerk, and their places of abode respectively, together with the day on which such contract was actually executed; and every such affidavit shall be filed within two days next after the same shall have been sworn with and by the Registrar for the time being, who shall thereupon enroll and enregister the said contract, and shall make and sign a memorandum of the day of filing such affidavit upon such affidavit and also upon the said contract.

Affidavit respecting execution of contract, &c., between attorney and articled clerk to be sworn before a judge.

14. In case such affidavit be not filed within such two days the same may be filed by the Registrar after the expiration thereof, but the service of such articled clerk shall be reckoned to commence and be computed from the day of filing such affidavit unless the judges shall otherwise order.

Penalty for neglect to file affidavits within prescribed time.

Certified copy of affidavit to be produced before examination.

15. No person, who shall claim to be examined with the view of being admitted to practise as an attorney or solicitor by reason of service as an articled clerk shall be so examined unless he shall produce to the examiners a certified copy of such affidavit with such memorandum.

Attorney or solicitor discontinuing practice not to retain articled clerk.

16. No attorney or solicitor shall take, have or retain any articled clerk after such attorney or solicitor shall have discontinued or left off practising as, or carrying on the business of an attorney or solicitor, nor, whilst such attorney or solicitor shall be retained or employed as a writer or clerk by any other attorney or solicitor, and service by an articled clerk for and during the time that such attorney or solicitor shall be so employed as a writer or clerk shall not be deemed good service under his contract.

Provision in regard to case of articled clerks where attorney or solicitor may become bankrupt.

17. In case any attorney or solicitor, to whom any person may be an articled clerk, shall, before the end or determination of the term of service of such articled clerk, take the benefit of any ordinance for the relief of insolvent debtors, or become bankrupt, it shall be lawful for the judges upon the application of such articled clerk, to order and direct his contract of service with such attorney or solicitor to be discharged or assigned to such person upon such terms and in such manner as the said judges shall think fit.

Provision in regard to case of articled clerks where attorney or solicitor may die or retire from practice.

18. If any attorney or solicitor, to or with whom any such person may be an articled clerk, shall happen to die before the expiration of the term of service of such articled clerk, or shall discontinue or leave off practice as an attorney or solicitor, or if the contract between such articled clerk and attorney or solicitor shall by their mutual consent be cancelled, or in case such articled clerk shall be legally discharged before the expiration of such term by any rule or order of the Supreme Civil Court, such articled clerk shall and may in any of the said cases be bound by another contract or other contracts in writing to any other practising attorney or solicitor during the residue of the said term; and service under such last mentioned contract or contracts in manner hereinbefore mentioned shall be deemed and taken to be good and effectual, provided that an

affidavit of the execution of such second or other contract be duly made and filed within two days after the execution of such contracts respectively in the manner hereinbefore directed and subject to the like regulations with respect to the original contract and affidavit of the execution thereof.

#### PART IV.

##### *The Judges to make Regulations for conducting Examinations and to appoint Examiners.*

19. The judges may from time to time make regulations for the examination in such branches of general knowledge as they may deem proper of all persons not having taken degrees or obtained the certificate mentioned in the twenty-first section hereafter, intending to become bound under contract to an attorney or solicitor; and of articled clerks during their terms of service; and after the expiration of such terms of service, for the examination of articled clerks who shall have duly completed their terms of service for the purpose of testing their fitness and competency to be admitted attorneys and solicitors; and the said judges may from time to time revoke or alter any such regulations as they may think fit, and may from time to time appoint and fix the subjects for the preliminary examination hereinafter mentioned, and shall appoint "The Incorporated Law Society," or in the event of the refusal or inability of the said society to be examiners, any other person or persons to be examiners for conducting such examinations; and no person required to pass the preliminary examination hereinafter mentioned shall be capable of being bound as aforesaid, unless he shall have obtained from the examiners a certificate of having satisfactorily passed such examination; and the said judges may by such regulations, in case of persons who fail to pass such examination to the satisfaction of the examiners, postpone either for a definite time or such time as the said examiners may in each case think proper, and either conditionally or otherwise, the examination required to be passed at the expiration of the term of service under contract and before admission.

Power to judges to make regulations for examination of persons applying to be admitted attorneys, solicitors, &c.

Oath to be  
taken before  
enrolment.

20. The judges shall and may require to be made and sworn by any articed clerk producing the certificate mentioned in the twenty-second section the following declaration—

“I, A. B. do solemnly declare that I will truly and honestly demean myself in the practice of an attorney and solicitor, according to the best of my knowledge and ability.—So help me God :” and where such declaration is made and sworn, cause him to be admitted and his name to be enrolled as an attorney and solicitor, and such admission shall be signed by the judges.

#### PART V.

##### *Examinations—preliminary, intermediate and final.*

Persons  
before  
becoming  
articed  
clerks to  
undergo  
examination.  
Proviso.

21. Before any person (except any person to whom the provisions of the seventh section are applicable) shall become an articed clerk, he shall undergo an examination in elementary general knowledge touching his fitness to become an articed clerk: Provided always that every person holding any degree in arts received from any university or college, or a certificate of having successfully passed an examination in the highest branches of education taught at the Queen's Royal College in this island, shall be exempt from such examination and shall and may become an articed clerk without having previously passed the said preliminary examination.

Certificate of  
qualification,  
how and when  
grantable.

22. The Incorporated Law Society, or such person or persons as may be appointed examiners by the judges, shall examine and enquire, touching the general knowledge of every person intending to become an articed clerk, and the contract and service and the fitness and capacity of any articed clerk to act as attorney and solicitor, and if such examiner or examiners shall be satisfied by such examination, that such person so intending as aforesaid is fit to become an articed clerk, or that such articed clerk is duly qualified and fit and competent to act as an attorney and solicitor, they shall grant to such person intending to become an articed clerk as aforesaid, or such articed clerk, a certificate of qualification, fitness and competency, as the case may be, either to become an articed clerk, or to act as an attorney and solicitor.

23. The sum of two pounds may be taken for every preliminary and other examination, and it shall be lawful for the judges from time to time to make order for the payment and appropriation of the same to such person or persons and in such manner as they shall think proper: Provided always that it shall be lawful for the judges from time to time to diminish or increase the said sums, or any of them as they shall deem fit.

Fee for examination.

#### PART VI.

##### *Status and rights and responsibilities of Attorneys and Solicitors generally.*

24. No attorney or solicitor who shall be a prisoner in any gaol or prison, shall, during his confinement in any gaol or prison, as an attorney or solicitor in his own name, or in the name of any other attorney or solicitor, sue out any writ or process, or commence, or prosecute, or defend any action or suit in any Court of Law or Equity; and such attorney or solicitor so suing out any writ or process, or commencing, prosecuting, or defending any action or suit as aforesaid, and any attorney or solicitor permitting or empowering any such attorney or solicitor as aforesaid to commence, prosecute, or defend any action or suit in his name, shall be deemed to be guilty of a contempt of the Court in which any such action or suit shall have been commenced or prosecuted, and punishable by the said Court accordingly, upon the application of any person complaining thereof; and such attorney or solicitor so commencing, prosecuting, or defending any action or suit as aforesaid shall be incapable of maintaining any action or suit for the recovery of any fee, reward, or disbursement for or in respect of any business or thing done by him whilst such prisoner, in his own name or in the name of any other attorney or solicitor.

Attorney or solicitor not to act as such whilst under sentence of imprisonment.

25. If any attorney or solicitor shall do or be guilty of any act, matter or thing whereby according to the law or practice in England such attorney or solicitor would render himself liable to be struck off the roll, or if such attorney or solicitor shall wilfully and knowingly act as agent in any action or suit in any Court of Law or Equity for any person not duly qualified to act as an

Cases in which attorney or solicitor may be disenrolled.

attorney or solicitor as aforesaid, or permit or suffer his name to be any ways made use of in any such action, suit, or matter upon the account or for the profit of any unqualified person, or send any process to such unqualified person, or do any other act to enable such unqualified person to appear, act or practise in any respect as an attorney or solicitor in any suit at Law or in Equity, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to the Supreme Civil Court, and proof made thereof upon oath to the satisfaction of the Court that such attorney or solicitor hath wilfully and knowingly offended therein as aforesaid, then and in any and every such case every such attorney or solicitor so offending shall and may be struck off the roll, and for ever after disabled from practising as an attorney or solicitor, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the said Court to commit such unqualified person so acting or practising as aforesaid to the Royal Gaol for any term not exceeding one year.

No attorney or solicitor to be a justice of the peace.

26. No attorney or solicitor shall be capable to be a Justice of the Peace during such time as he shall continue in the business and practice of an attorney or solicitor.

Proceedings in regard to the recovery of fees, &c., due to attorneys or solicitors.

27. No attorney or solicitor, nor any executor, administrator, or assignee of any attorney or solicitor, shall commence or maintain any action or suit for the recovery of any fees, charges, or disbursements, for any business done by such attorney or solicitor until the expiration of one calendar month after such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, shall have delivered unto the party to be charged therewith or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, a bill of such fees, charges and disbursements, and which bill shall either be subscribed with the proper hand of such attorney or solicitor, or, in the case of a partnership, by any of the partners, either with his own name or with the name or style of such partnership, or of the executor, administrator, or assignee of such attorney or solicitor, or be enclosed in

or accompanied by a letter subscribed in like manner referring to such bill: and upon the application of the party chargeable by such bill within such month it shall be lawful for the Supreme Civil Court or any of the Judges, and they are hereby respectively required, to refer such bill and the demand of such attorney or solicitor, executor, administrator, or assignee thereupon to be taxed and settled by one of the Judges without any money being brought into Court; and the Court or Judge making such reference shall restrain such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, from commencing any action or suit touching such demand pending such reference; and in case no such application as aforesaid shall be made within such month as aforesaid, then it shall be lawful for such reference to be made as aforesaid either upon the application of the attorney or solicitor, or the executor, administrator, or assignee of the attorney or solicitor whose bill may have been so as aforesaid delivered or left, or upon the application of the party chargeable by such bill, with such directions and subject to such conditions as the Court or Judge making such reference shall think proper; and such Court or Judge may restrain such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor from commencing or prosecuting any action or suit touching such demand pending such reference upon such terms as shall be thought proper: Provided always, that no such reference as aforesaid shall be directed upon an application made by a party chargeable with such bill after a verdict shall have been obtained, or a writ of inquiry executed in any action for the recovery of the demand of such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, or after the expiration of twelve months after such bill shall have been delivered or left as aforesaid, except under special circumstances to be proved to the satisfaction of the Court or Judge to whom the application for such reference shall be made; and upon every such reference, if either the attorney or solicitor, or executor, administrator, or assignee of the attorney or solicitor whose bill shall have been delivered or left, or the party charge-

able with such bill having due notice, shall refuse or neglect to attend such taxation, the Judge to whom such reference shall be made, may proceed to tax and settle such bill and demand *ex-parte*; and in case any such reference as aforesaid shall be made upon the application of the party chargeable with such bill, or upon the application of such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, and the party chargeable with such bill shall attend upon such taxation, the costs of such reference shall, except as hereinafter provided for, be paid according to the event of such taxation; that is to say, if such bill when taxed be less by a sixth part than the bill delivered or left, then such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor shall pay such costs; and if such bill when taxed shall not be less by a sixth part than the bill delivered or left, then the party chargeable with such bill, making such application or so attending, shall pay such costs; and every order to be made for such reference as aforesaid shall direct the Judge to whom such reference shall be made to tax such costs of such reference to be so paid as aforesaid, and to certify what, upon such reference, shall be found to be due to or from such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor in respect of such bill and demand, and of the costs of such reference if payable: Provided also, that such Judge shall in all cases be at liberty to certify specially any circumstances relating to such bill or taxation, and the Court or Judge shall be at liberty to make thereupon any such order as such Court or Judge may think right respecting the payment of the costs of such taxation: Provided also, that when such reference as aforesaid shall be made when the same is not authorised to be made except under special circumstances, as hereinbefore provided, then the said Court or Judge shall be at liberty, if it shall be thought fit, to give any special directions relative to the costs of such reference: Provided also, that it shall be lawful for the said Supreme Civil Court and the Judges in the same cases in which they are respectively authorised to refer a bill which has been so as aforesaid delivered or left, to make such order

for the delivery by any attorney or solicitor, or the executor, administrator, or assignee of any attorney or solicitor of such bill as aforesaid, and for the delivery up of deeds, documents, or papers in his possession, custody, or power, or otherwise touching the same, in the same manner as is done by any Court of Law or Equity in England: Provided also, that it shall not in any case be necessary in the first instance for such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, in proving a compliance with this Ordinance, to prove the contents of the bill he may have delivered, or left, but it shall be sufficient to prove that a bill of fees, charges, or disbursements, subscribed in the manner aforesaid or enclosed in or accompanied by such letter as aforesaid was delivered, or left in manner aforesaid; but nevertheless it shall be competent for the other party to show that the bill so delivered or left was not such a bill as constituted a *bona fide* compliance with this Ordinance: Provided also, that it shall be lawful for any of the Judges to authorise an attorney or solicitor to commence an action or suit for the recovery of his fees, charges, or disbursements, against the party chargeable therewith, although one calendar month shall not have expired from the delivery of a bill as aforesaid, on proof to the satisfaction of any such Judge that there is probable cause for believing that such party is about to quit the Island.

28. Where any person, not the party chargeable with any such bill within the meaning of the provisions hereinbefore contained, shall be liable to pay or shall have paid such bill either to the attorney or solicitor, his executor, administrator or assignee, or to the party chargeable with such bill as aforesaid, it shall be lawful for such person, his executor, administrator or assignee, to make such application for a reference for the taxation and settlement of such bill as the party chargeable therewith might himself make, and the same reference and order shall be made thereupon, and the same course pursued in all respects as if such application was made by the party so chargeable with such bill as aforesaid: Provided always, that in case such application is made when, under the provisions herein contained, a reference

Bills may be taxed upon the application of third parties.

is not authorised to be made except under special circumstances, it shall be lawful for the Court or Judge to whom such application shall be made to take into consideration any additional special circumstances applicable to the person making such application, although such circumstances might not be applicable to the party so chargeable with the said Bill as aforesaid if he was the party making the application.

Judges may direct taxation of bills chargeable on executors, &c.

29. It shall be lawful, in any case in which a trustee, executor, or administrator has become chargeable with any such bill as aforesaid, for the Supreme Civil Court in Equity or any of the Judges, if in their or his discretion they or he shall think fit, upon the application of a party interested in the property out of which such trustee, executor or administrator may have paid or be entitled to pay such bill, to refer the same, and such attorney's or solicitor's, or executor's, administrator's or assignee's demand thereupon, to be taxed and settled by one of the Judges, with such directions, and subject to such conditions as such Court or Judges shall think fit, and to make such order as such Court or Judges shall think fit for the payment of what may be found due, and of the costs of such reference, to or by such attorney or solicitor, or the executor, administrator or assignee of such attorney or solicitor by or to the party making such application, having regard to the provisions herein contained relative to applications for the like purpose by the party chargeable with such bill so far as the same shall be applicable to such cases, and in exercising such discretion as aforesaid, the said Court or Judge may take into consideration the extent and nature of the interest of the party making the application: Provided always, that where any money shall be so directed to be paid by such attorney or solicitor, or the executor, administrator or assignee of such attorney or solicitor, it shall be lawful for such Court or Judge, if they or he shall think fit, to order the same, or any part thereof, to be paid to such trustee, executor or administrator so chargeable with such bill, instead of being paid to the party making such application; and when the party making such application shall pay any money to such attorney or solicitor, or the executor, administrator or assignee of such attorney or solicitor, in respect of such

bill, he shall have the same right to be paid by such trustee, executor or administrator so chargeable with such bill as such attorney or solicitor, executor, administrator or assignee had.

30. For the purpose of any such reference upon the application of the person not being the party chargeable within the meaning of the provisions of this Ordinance as aforesaid, or of a party interested as aforesaid, it shall be lawful for such Court or Judge to order any such attorney or solicitor, or the executor, administrator or assignee or any such attorney or solicitor, to deliver to the party making such application a copy of such bill, upon payment of the costs of such copy: Provided always, that no bill which shall have been previously taxed and settled shall be again referred, unless under special circumstances the Court or Judge to whom such application is made shall think fit to direct a re-taxation thereof.

Copy of bill to be delivered to party making application for same on payment of costs.

No re-taxation.

31. The payment of any such bill as aforesaid shall in no case preclude the Court or Judge to whom application shall be made from referring such bill for taxation, if the special circumstances of the case shall, in the opinion of such Court or Judge, appear to require the same, upon such terms and conditions, and subject to such directions as to such Court or Judge shall seem right, provided the application for such reference be made within twelve calendar months after payment.

Taxation of bills after payment.

32. All applications made under this Ordinance to refer any such bill as aforesaid to be taxed and settled, and for the delivery of such bill, and for the delivering up of deeds, documents and papers, shall be made in the matter of such attorney or solicitor; and upon the taxation and settlement of any such bill, the certificate of the Judge by whom such bill shall be taxed, shall (unless set aside or altered by any order, decree, or rule of the Supreme Civil Court), be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the course of the Court in which such reference shall be made, and in case such reference shall be made in any Court of Common Law, it shall be lawful for such Court, or any Judge thereof to order

Application for taxing bill—how to be made.

judgment to be entered up for such amount, with costs, unless the retainer shall be disputed, or make such other order thereon as such Court or Judge shall deem proper.

*Repeal.*

Repeals  
Ordinance  
No. 2 of 1853.

33. The Ordinance numbered two for the year of our Lord one thousand eight hundred and fifty-three and entitled "An Ordinance to alter and amend the Laws relating to Solicitors and Conveyancers" is hereby repealed, save only and except so far as the said Ordinance relates to matters or things done before the passing of this Ordinance, all which matters and things shall be and remain good, valid and effectual to all intents and purposes as if this Ordinance had not been passed.

Passed in Council this sixteenth day of August, in the year of our Lord one thousand eight hundred and seventy-one.

A. C. ROSS,  
*Clerk of the Council.*

No. 9.—1871.

AN ORDINANCE as to Quarantine.

(L. S.) J. R. LONGDEN, *Governor.*

30th October, 1871.

WHEREAS it is desirable to consolidate the law relating to Quarantine: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Title of  
Ordinance.

1. This Ordinance may for all purposes be cited as "The Quarantine Ordinance, 1871."

Interpretation  
of terms.  
"Infected  
place."

2. In this Ordinance the term "infected place," means any port or place where yellow fever, the plague, cholera, or any epidemic disease of a contagious or infectious character, in fact prevails, or any port or place which the Governor with the advice of the