

TRINIDAD AND TOBAGO.

No. 14.—1896.

6th July.

AN ORDINANCE relating to Solicitors of the Supreme
Court.

[L.S.]

F. NAPIER BROOME,

GOVERNOR.

4th August, 1896.

BE it enacted by the Governor of Trinidad and
Tobago with the advice and consent of the Legis-
lative Council thereof as follows :—

1. This Ordinance may be cited as the “Solicitors’ Short title.
“Ordinance, 1896.”

2. In this Ordinance the term

Interpretation.

“Incorporated Law Society” means the society of
attorneys, solicitors, proctors and others not being
barristers practising in the courts of law or equity in
England.

“Solicitor” means solicitor and conveyancer.

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“Registrar” means in Trinidad the Registrar for the time being of the Supreme Court, and in Tobago the Sub-Registrar.

“Preliminary Examination” means an examination in general knowledge of persons desirous of becoming articled clerks on such subjects as may be prescribed by the Judges of the Supreme Court, and the Principals of the Royal College and St. Mary’s College.

“Final Examination” means an examination by the Incorporated Law Society of persons applying to be admitted as solicitors as well touching the articles of service as the fitness and capacity of such persons to act as solicitors in all business and matters usually transacted by solicitors.

“The Court” means the Supreme Court of Trinidad and Tobago.

Qualification
for admission.

3. Subject to the provisions hereinafter contained no person shall after the commencement of this Ordinance be entitled to be admitted as a solicitor who has not passed the preliminary and final examinations and has not served as an articled clerk for five years.

GENERAL.

Registrar to
prepare list.

4. On the commencement of this Ordinance the Registrar shall prepare a list of all persons then entitled to practise as solicitors and conveyancers in this colony according to the dates upon which they respectively were admitted to practise. The list when prepared shall be submitted by the Registrar to the Judges and when settled and approved by them shall be entered by the Registrar in a book of record to be kept in his

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office which shall be called the "Solicitors' Rolls." The name of every solicitor thereafter admitted shall be forthwith entered by the Registrar in the said rolls together with the date of his admission.

5. Every person duly admitted and for the time being entitled to practise as a solicitor or writer to the Signet in the United Kingdom shall subject to the provisions of this Ordinance and after he shall have resided six months in the Colony be entitled on the direction of the court to have his name inscribed on the Solicitors' Rolls together with the date of his admission in this colony and thereafter such person shall be entitled to practise in the several Courts of this colony as fully as any solicitor and conveyancer admitted to practise in this colony.

Solicitors in
United King-
dom may be
admitted.

Provided that nothing in this Section contained shall be construed to compel the Court to admit any such person to practise as a solicitor or conveyancer where any allegation is made to the Judges by the Registrar or any person whomsoever touching the honesty and integrity of the person claiming admission or that his previous conduct as a solicitor has been improper.

If upon enquiry made into the truth thereof the Court is satisfied that such allegations are true, it may refuse to admit any such person to practise as a solicitor in this colony or may make such other order in the matter as it may deem fit.

6. Nothing in this Ordinance contained shall affect the right of any person already admitted to practise as a solicitor before the commencement of this Ordinance.

Saving rights
under Ord.
7-1871 and
17-1894.

ARTICLED CLERKS.

Certificate of Examination to be entered in Articled Clerks' Book.

7. On production to the Registrar by any person of a certificate that he has passed the preliminary examination the Registrar shall enter the name of such person, together with the date of the certificate in a book to be kept in his office and to be called the Articled Clerks' Book, and such book shall at all reasonable times be open for the inspection of the public without fee.

Who may inspect books.

Exemptions from preliminary examination.

8. A certificate of having passed a preliminary examination under this Ordinance shall not be required from

- (1.) Persons who have taken the degree of Bachelor of Arts or Bachelor of Laws in the Universities of Oxford, Cambridge, Dublin, Durham, London or the Royal or Queen's University in Ireland, or the Degree of Master of Arts, Bachelor of Laws or Doctor of Laws in any of the Universities of Scotland, or
- (2.) Who has been called to the Bar in England or Ireland, or been admitted as an Advocate in Scotland, or
- (3.) Who has passed the first Public Examination before Moderators at Oxford or the previous examination at Cambridge or the examination in Arts for the second year at Durham, or
- (4.) Who has passed one of the local examinations for seniors established by the Universities of Oxford or Cambridge, or

- (5.) The examination for the first class certificate of the College of Preceptors Incorporated by Royal Charter in the year 1849.

9. Any person who shall satisfy the Court that he is entitled under the provisions of Section 8 or under any rules made under the authority of this Ordinance to exemption from a preliminary examination shall on the direction of the Judges be entitled to have his name together with his qualifications inserted by the Registrar in the Articled Clerks' Book and shall be entitled to the same rights and privileges to which he would be entitled if he had passed the preliminary examination.

Names of persons as above exempted to be inserted in Articled Clerks' Book.

10. Every person whose name is entered by the Registrar in the Articled Clerks' Book shall be entitled to enter into articles of clerkship to any practising solicitor in accordance with the provision of this Ordinance and no other person shall be so entitled.

Who may enter into articles of clerkship.

11. The Court may from time to time approve a form of articles of clerkship, and such form when so approved shall be lodged in the Registrar's office and shall in all cases be used by solicitors when taking persons to serve as their articled clerks.

Form of articles to be approved by the Judges.

12. When any person has become duly bound under articles of clerkship to a solicitor he shall forthwith exhibit the said articles or cause them to be exhibited to the Registrar who shall thereupon enter in the Articled Clerks' Book against the name of such person the date when such articles were exhibited and the name of the solicitor to whom such person became bound; and the period of such person's service under articles of clerkship shall be deemed to commence at the date of

Articles to be shewn to Registrar.

Registrar to note same in Articled Clerks' Book.

such entry being made. The Registrar shall also mark such articles as having been so exhibited and entered together with the date thereof.

Articled clerk may complete service under one or more solicitors.

13. Any articled clerk may complete his period of service under one or more solicitors provided that on ceasing to serve with any solicitor to whom he was bound in articles and becoming bound to another solicitor he shall in every case execute fresh articles of clerkship and shall exhibit the same to the Registrar who shall thereupon make an entry in the Articled Clerks' Book in manner hereinbefore provided, and shall also mark the articles in the manner hereinbefore mentioned. Provided that before such entry shall be made such articled clerk shall satisfy the Registrar as to the date when his service ceased under his former articles and the Registrar shall make an entry of such date against the entry respecting the former articles.

On production of certificate of final examination to be enrolled as a solicitor

14. On the production by any articled clerk of a certificate of the Incorporated Law Society that he has passed the final examination the Registrar shall enter the name of such person together with the date of the certificate in the Articled Clerks' Book and every such person shall subject to the provisions hereinafter contained be entitled to be admitted and enrolled as a solicitor.

Articled clerks not to engage in any other employment.

15. Every articled clerk shall during his term of service under articles continue with and be actually employed by the solicitor to whom he is bound in the proper business practice or employment of a solicitor, and shall not hold any office or engage in any employment whatsoever other than the employment of clerk to such solicitor or his partner or partners (if any) in the business and practice of a solicitor.

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16. If any solicitor to whom any person may be an articulated clerk shall before the expiration of the term of service of such articulated clerk become bankrupt the court may upon his application order his contract of service with such solicitor to be cancelled or assigned to such other solicitor upon such terms and in such manner as the said Judges shall think fit.

Assignment of articles on bankruptcy of solicitor.

17. If any solicitor to whom any person may be articulated shall die before the expiration of the term of service of such articulated clerk or shall discontinue practise as a solicitor or if the articles shall by mutual consent or otherwise be cancelled or in case such articulated clerk shall be discharged before the expiration of his term of service by order of the Court such clerk may in every such case be bound afresh to any other solicitor during the residue of the said term and service under such last mentioned binding shall be deemed to be good and effectual.

Death of solicitor before expiration of articles.

ADMISSION AND STATUS OF SOLICITORS.

18. Every person entitled under the provisions of this Ordinance to be admitted and enrolled as a solicitor shall before he shall be so admitted and enrolled prove by the written declaration of himself and the solicitor or solicitors under whom he has served to be duly made and filed with the Registrar that he has actually and really served and been employed by such solicitor or solicitors during the whole term and in the manner required by this Ordinance.

Requirements for enrolment

19. Before any person is admitted to practise as a solicitor the Registrar shall enquire whether such person has complied with the provisions of this Ordinance and if he shall be satisfied that such person has so com-

The Judges on being satisfied to admit solicitor.

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plied and if there be no charge touching the honesty and integrity or touching the professional conduct of such person, he shall report accordingly to the Court who shall then, but not otherwise administer or cause to be administered to such person the oath or affirmation hereinafter directed to be taken or made by solicitors in addition to the oath of allegiance and after the taking of such oaths or affirmations shall cause him to be admitted as a solicitor and his name to be enrolled in the Solicitors' Rolls.

Admission and
enrolment.

The form of admission and enrolment shall be prepared by the Registrar and signed by the Judges.

Charges
against soli-
citors.

If any charge touching his honesty and integrity or touching his conduct as a solicitor shall be made against any solicitor or articled clerk by the Registrar or any other person the Judges shall cause the same to be investigated by any officer or officers of the Court nominated and appointed by the Court for that purpose and thereafter shall make such order in the matter as they shall think fit.

Oath to be
taken.

20. Every person on being admitted and enrolled as a solicitor, shall take the following oath or affirmation :—

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 !

Number of
articled clerks
allowed.

21. No solicitor or firm of solicitors shall have more than one articled clerk at one and the same time, and no solicitor shall after he shall have discontinued practising as or carrying on the business of a solicitor

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nor whilst he shall be employed or retained as a writer or clerk by any other solicitor take have or retain any articed clerk; and service under articles to a solicitor in such case shall not be deemed good service for the purpose of this Ordinance.

Provided that nothing in this Section contained shall affect the rights of any clerk articed before the commencement of this Ordinance.

22. It shall not be lawful for any solicitor whilst under sentence of imprisonment in any gaol or prison to sue out any writ or process or commence or prosecute or defend any action in any Court of law in this colony. Any solicitor who shall contravene the provisions of this Section shall be deemed guilty of a contempt of the court in which any such action shall have been commenced, prosecuted or defended, and shall be liable upon the application of any person to be punished accordingly, and such solicitor shall not be entitled to recover any fee, reward or disbursement for or in respect of any business or thing done by him in his own name or in the name of any other solicitor whilst so imprisoned.

Solicitor not to act as such whilst under sentence of imprisonment.

23. If any solicitor shall commit any act whereby according to the law or practice in England such solicitor would render himself liable to be struck off the roll or if any solicitor shall wilfully and knowingly act as agent in any action in any Court of law for any person not duly qualified to act as a solicitor as aforesaid or permit or suffer his name to be in any way made use of in any such action or matter upon the account or for the profit of any unqualified person or send any process to such unqualified person or knowing any person to be unqualified shall commit any act whereby such unquali-

Cases in which solicitor may be disenrolled

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fied person is enabled to act as a solicitor such person shall be guilty of an offence against this Ordinance and shall be liable to be punished in manner next hereinafter provided.

Upon complaint made to the Supreme Court in the manner prescribed by the rules to be made hereunder and upon proof to the satisfaction of the Court that any solicitor has wilfully and knowingly offended therein as aforesaid, such solicitor may be struck off the Roll and disabled from practising as a solicitor or the Court may in lieu thereof commit such solicitor to the Royal Gaol for any term not exceeding one year.

No solicitor to
be a Justice of
the Peace.

24. No solicitor shall so long as he shall be engaged and continue in the business and practice of a solicitor be qualified or capable of holding the appointment of a Justice of the Peace: Provided that such disability shall not for the time being extend to any solicitor who may hold the office of Mayor of any city or borough in this colony, and who by virtue of his office of Mayor shall or may be *ex officio* a Justice of the Peace.

Jurisdiction of
Supreme Court
over solicitors.

25. All such jurisdiction and powers over solicitors as at the commencement of this Ordinance is vested in the High Court of Justice in England shall from and after such commencement be vested in the Supreme Court, and there shall also be vested in the Supreme Court the same disciplinary powers over solicitors as is vested in and exercised by the Incorporated Law Society.

26. No person shall be disqualified from being examined or admitted or enrolled as a solicitor or liable to be struck off the Rolls if admitted by reason or in consequence of the solicitor to whom he may

have been articulated having been during the continuance of such articles struck off the Rolls.

27. Every person who acts as a solicitor or conveyancer without being duly admitted and enrolled according to the provisions of this Ordinance shall be guilty of an offence against this Ordinance and on conviction before any Stipendiary Justice of the Peace shall forfeit and pay any sum not exceeding Fifty Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

28. All costs and fees recoverable by or payable to solicitors shall, subject to statutory provisions, be taxed in the same manner as costs are taxed in Her Majesty's High Court of Justice in England either as between party and party or between solicitor and client as the case may be. ^{Taxing of costs.}

“Statutory provision” for the purpose of this Ordinance means any provision contained in the Judicature Ordinance, 1879, or in the rules in the Schedule to that Ordinance or in any rules of Court made pursuant to that Ordinance and approved by the Governor and Legislative Council and not disallowed by Her Majesty; and also includes any provision contained in any future Ordinance altering the constitution of the Supreme Court or providing for the better administration of justice.

29. The Chief Justice with the concurrence of a Puisne Judge may from time to time make, alter or rescind rules for carrying this Ordinance into effect, and ^{Power to make rules.}

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in particular for all or any of the following matters, that is to say :—

- (1.) With respect to the preliminary examination.
- (2.) With respect to the final examination of articled clerks by the Incorporated Law Society.
- (3.) With respect to the times, places, and notices of the preliminary and final examinations, and to the fees payable by candidates.
- (4.) Generally for regulating any matters relating to such examinations as to which it may be deemed expedient to make rules.
- (5.) For regulating the practice and procedure in the Supreme Court in matters involving enquiry touching the honesty and integrity of persons seeking to be admitted as solicitors or touching the honesty or integrity or the professional conduct of solicitors and for the nomination and appointment of persons, being officers of the Court to conduct such enquiry.
- (6.) Generally for regulating all other matters relating to the duties of solicitors as officers of the Court, including the taxation and enforcement of costs as between solicitor and client.

Repeal.

30. The Ordinance No. 17 of 1894, intituled "An Ordinance to amend the law relating to the admission of solicitors," is hereby repealed.

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Provided that this repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before the commencement of this Ordinance, or any proceeding pending at the commencement of this Ordinance.

Passed in Council this Sixth day of July, in the year of Our Lord one thousand eight hundred and ninety-six.

HARRY L. KNAGGS,
Acting Clerk of the Council.
