

TRINIDAD AND TOBAGO.

No. 29.—1912.

17th June.

AN ORDINANCE relating to Solicitors of the Supreme Court.

10/19/14  
See Ord 27 of 1913  
- - 286 - 1914  
- - 41 - 1917  
- - 34 - 1920

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

28th June, 1912.

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

Short Title.

1. This Ordinance may be cited as the Solicitors' Ordinance, 1912.

General.

Interpre-  
tation.

2. In this Ordinance the term

“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.

vide 46/1914  
for definition

“Solicitor” means a solicitor, and conveyancer, admitted and enrolled under this Ordinance or any Ordinance repealed by this Ordinance or any other Ordinance, and, subject to the provisions of this Ordinance, includes a person admitted and enrolled as a Solicitor but not as a Conveyancer.

“Registrar” means, in Trinidad, the Registrar 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.

“Qualifying Examination” means an examination of the character referred to in Section 8 of this Ordinance.

“Intermediate Examination” means an examination by the Incorporated Law Society of persons bound under articles of clerkship to Solicitors in order to ascertain the progress made by such persons during their articles in acquiring the knowledge necessary for rendering them fit and capable to act as Solicitors.

“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.

“The Society” means the Incorporated Law Society of Trinidad.

“Committee” means a committee of the Council of the Society appointed by the Society for the purposes of this Ordinance.

3.—(1.) Subject to the provisions hereinafter contained, <sup>Qualification for admission.</sup> no person shall be entitled to be admitted and enrolled as a solicitor who has not passed the qualifying, intermediate, and final examinations, and has not served as an articled clerk for five years, provided always that in the case of a clerk whether articled before or after the commencement of this Ordinance, who has taken one of the degrees mentioned in Sub-sections (1) and (2) of Section 8, the period of service shall be three years, and in the case of a clerk whether articled before or after the commencement of this Ordinance, who has passed Responsions Examination at the University of Oxford, or the Previous Examination of the University of Cambridge,

*Repealed by S. 3  
Dec 6/1914  
which see for the  
section*

or the Matriculation Examination of the University of London having been placed in the first division thereof, or the Oxford or Cambridge Senior Local Examination, having in either case been placed in the first class in honours, the period of service shall be four years.

(2.) The requirements of this section as to the passing of the Intermediate Examination shall not apply to a clerk who has been articled for a period of one year or longer at the time of the commencement of this Ordinance.

Persons who have served ten years as clerks— Examination of.

4. Any person who, either before or after the commencement of this Ordinance, shall for the term of ten years have been a *bond fide* clerk to a solicitor and conveyancer practising in this Colony, and shall produce to the Court 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 served as an articled clerk to a practising solicitor in this Colony for the term of three years, shall be entitled to be admitted and enrolled as a solicitor after having passed the preliminary, intermediate and final examinations.

Registrar to prepare list.

5. The Registrar shall keep in his office a book of record, which shall be called the "Solicitors' Roll." The name of every solicitor admitted shall be forthwith entered by the Registrar in the said roll, together with the date of his admission.

Solicitors in United Kingdom may be admitted.

6. 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, be entitled on the direction of the Court to have his name inscribed on the Solicitors' Roll 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 admitted to practise in this Colony.

Repealed by S. 11 of 46/1914, which are for new section

Provided that nothing in this section contained shall be construed to compel the Court to admit any such person to practise as a solicitor where any allegation is made to the Court 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.

The provisions of this section shall not be deemed to apply to persons admitted to practise in England under the Colonial Solicitors Act, 1900 (63 and 64 Vic. cap. 14) or any of the enactments repealed by it.

*Articled Clerks.*

7. On production to the Registrar by any person of such evidence as may be required by the Registrar that he has passed a qualifying examination or of a certificate that he has passed the preliminary examination, and that he is above the age of eighteen years, the Registrar shall, subject to any rules made as to enquiries touching his fitness and character, enter the name of such person, together with the date of the passing of such examination, 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.

8. The following persons shall be deemed to have passed the qualifying examination, that is to say, persons:—

(1.) Who have taken the degree of Bachelor of Arts or Bachelor of Laws in any of the Universities of England, Wales or 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 have been called to the Bar in England or Ireland, or been admitted as Advocates in Scotland; or

(3.) Who have passed the First Public Examination before Moderators at Oxford or the Previous Examination at Cambridge; or

(4.) Who have passed one of the local examinations for Seniors established by the Universities of Oxford or Cambridge, satisfying the Examiners in English Language and Literature, History, Geography, and one other language besides English, or the examination for higher certificates of the Oxford and Cambridge Schools Examination Board; or

(5.) Who have passed the examination for the first

Entry in  
Articled  
Clerk's Book.

Qualifying  
examination.

Repealed by 5-  
of 20/6/1914

class certificate of the College of Preceptors Incorporated by Royal Charter in the year 1849; or

(6.) Who have passed the Matriculation Examination of any of the Universities of London, Liverpool, Manchester, Leeds, Sheffield, Birmingham, Bristol or Wales; or of the Royal University of Ireland, Queen's College, Belfast or Queen's University, Belfast; or

(7.) Who have passed an examination which entitles them to enter the Home Civil Service in the United Kingdom, or the Indian Civil Service, or the Consular Service, or the Service of the Crown in the East as Cadets.

Who may enter into articles of clerkship.

9. 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 provisions of this Ordinance, and no other person shall be so entitled.

Form of articles.

10. 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.

Articles to be shown to and entered by Registrar.

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

Service under one or more solicitors.

12. 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.

13. 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.

Articled clerks not to engage in any other employment.

14. If any solicitor to whom any person may be an articled clerk shall before the expiration of the term of service of such articled 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 Court shall think fit.

Cancellation or assignment of articles on bankruptcy of solicitor.

15. If any solicitor to whom any person may be articled shall die before the expiration of the term of service of such articled clerk or shall discontinue practice as a solicitor, or if the articles shall by mutual consent or otherwise be cancelled, or in case such articled 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.

Cancellation or assignment of articles in certain other cases.

#### *Admission and status of Solicitors.*

16.—(1.) On production by an articled clerk of a certificate of the Incorporated Law Society that he has passed the intermediate and final examinations, and of a certificate of the Committee that he is a fit and proper person as regards honesty, integrity and financial status to be admitted a

Admission of Articled Clerks as Solicitors.

See s. 6. of 1912.

solicitor, he shall, subject to the provisions hereinafter contained, be entitled to be admitted and enrolled as a solicitor.

(2.) In the event of the Committee refusing to grant such certificate to an articled clerk, he may within 3 months after such refusal appeal by petition in writing against such refusal to the Full Court.

Requirements  
for enrolment.

17. 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.

Court to admit  
solicitor.

18. 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 complied and if there be no charge touching the honesty, integrity or financial status 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' Roll.

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

Certificate of  
authority to  
practise.

19. Before any person is admitted to practise as a solicitor he shall produce to the Court a certificate under the Seal of the Court signed by the Registrar, and the Court shall then but not otherwise administer to such person the oath or affirmation directed to be taken or made by solicitors, and after the taking of such oath or affirmation shall cause him to be admitted as a solicitor and his name to be enrolled in the Solicitors' Roll.

20. Every person on being admitted and enrolled as a Oath. 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.

21. Whenever any person who under the provisions of Admission of any Ordinance formerly in operation in this Colony has Conveyancer. been duly admitted and enrolled as a Solicitor in this Colony but is not entitled to practise as a Conveyancer, shall be desirous of practising as a Conveyancer, it shall be competent for him to apply by petition to the Full Court, and if such Court shall, after due examination and inquiry into the learning capacity and fitness of such person, be satisfied that such person is duly qualified and fit and competent to practise as a Conveyancer, then and in such case, the said Court shall admit such Solicitor to practise as a Conveyancer, and to draw and attest all deeds as such, and shall grant unto him a certificate thereof under the seal of the Court, in such form as to the said Court shall seem proper, and thereupon such Solicitor shall be and be deemed and taken to be a Certificated Conveyancer.

22.—(1.) If any charge touching his honesty integrity or financial status or touching his professional conduct shall be made against any solicitor or articled clerk by the Registrar or any other person, the Chief Justice shall appoint a Committee of not less than three and not more than five of the members of the Council of the Society to enquire into such charge. Charges against solicitors or clerks.

(2.) The Chief Justice may from time to time remove any member from such Committee, or fill any vacancy in it, or add to its number, provided that the number shall not exceed five or be less than three.

(3.) Three members of such Committee shall form a quorum.

(4.) Such Committee after hearing the charge shall embody their findings in the form of a report to the Court, which may make such order thereon as to it may appear just and proper.

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(5.) No such charge shall be withdrawn or settled without leave of such Committee.

*repealed by  
4/1/1919 S.S.*

Committee may administer oaths.

23. The Committee shall have power in respect of any investigation or enquiry committed to them under the provisions of this Ordinance and of rules made hereunder to administer oaths to or to take the affirmation of all parties or witnesses appearing or summoned before them touching any such matter; and any person giving false evidence on oath or affirmation before the Committee shall be guilty of perjury in the same manner in all respects as if such oath or affirmation had been taken and such evidence given before a Judge of the Supreme Court on the trial of an action.

Number of articled clerks allowed.

24. No Solicitor shall be entitled to have an articled clerk unless such Solicitor shall have been admitted and enrolled as a solicitor for not less than 5 years, and no solicitor 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, nor whilst he shall be employed or retained as a writer or clerk by any other solicitor, take have or retain any articled clerk; and service under articles to a solicitor in such case shall not be deemed good service for the purposes of this Ordinance.

Provided that nothing in this section contained shall affect the rights of any clerks articled before the commencement of this Ordinance.

Annual license to practise.

25.—(1.) No solicitor shall in any year practise without obtaining from the Registrar an annual license authorizing him to practise as such. Each such license shall remain in force till the 31st December following the date of its issue only.

(2.) The Registrar shall enter the particulars of every such license in a book to be kept for that purpose.

(3.) The Registrar shall cause to be published in the *Royal Gazette* within seven days of the date of such licenses the names and places of business of the solicitors who obtain licenses, which shall nevertheless take effect on the day on which they are dated.

(4.) A copy of the *Royal Gazette* containing the names of Solicitors who have obtained licenses, shall until the contrary be made to appear, be evidence in all the Courts of this Colony that the persons named therein as Solicitors holding such licenses are entitled to practise in such capacity for the current year.

(5.) In the case of a Solicitor who is not entitled to practise as a Conveyancer, such fact shall appear in the license in Sub-section (1) hereof referred to, and shall be stated when the matters referred to in Sub-section (3) hereof are published in the *Royal Gazette*, and notwithstanding anything hereinbefore contained no such person shall be entitled to practise as a Conveyancer.

26. It shall be lawful for the Registrar to refuse to issue or renew the license of a Solicitor who is an undischarged bankrupt, subject to an appeal to the Full Court by petition in writing. Renewal of certificate of undischarged bankrupt.

27. Any person practising as a solicitor without being duly licensed in that behalf shall be deemed guilty of an offence against this Ordinance, and shall on conviction thereof before a Stipendiary Justice of the Peace be fined any sum not exceeding twenty Pounds, to be recovered from the goods and chattels of such person by warrant of distress, and in default of sufficient distress by imprisonment for any term not exceeding one month. Practising without license.

28. 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 during imprisonment.

29. If any solicitor shall commit any act whereby according to the law or practice in England for the time being Cases in which solicitor may be disenrolled.

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 unqualified 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 Court in the manner prescribed by 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.

30. 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 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 Court over solicitors.

31. Subject to the express provisions of this Ordinance, all such jurisdiction and powers over solicitors as at the commencement of this Ordinance are 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 are vested in and exercised by the ~~Incorporated Law Society.~~ *vide s 7. of 46/1912*

Articled clerk not affected by disqualification of solicitor.

32. 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 articled having been during the continuance of such articles struck off the rolls.

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

Unauthorised  
person acting  
as solicitor.

34. Every Barrister-at-law duly admitted to practise in this Colony if resident and actually practising in Tobago, but not otherwise, may without passing any examination under this Ordinance, be admitted by the Court to practise as a solicitor in Tobago.

Barristers in  
Tobago may  
practise as  
Solicitors.

Provided that every Barrister so admitted shall while he continues to act as a solicitor, enjoy the same privileges and immunities and be subject to the same liabilities as a solicitor under this Ordinance.

Provided also that such admission to practise as a solicitor may at any time be cancelled by the Court.

No Barrister admitted to practise as a solicitor and appearing as such in any action or proceeding shall be entitled to claim any fees as Barrister in such action or proceeding.

35. 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 His 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 purposes of this Ordinance means any provision contained in the Judicature Ordinance, or in any rules of Court made pursuant to that Ordinance or this Ordinance and approved by the Governor and Legislative Council and not disallowed by His 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.

Rules.

**36.** The Chief Justice with the concurrence of a Puisne Judge may from time to time make rules for carrying this Ordinance into effect, and in particular for all or any of the following matters :—

(1.) With respect to enquiries touching the character and fitness of persons who seek to become articled clerks, and with respect to the preliminary examinations of such persons, where required.

*vide 7. of 46/1914*  
 (2.) With respect to the intermediate and final examinations of Articled Clerks by the ~~Incorporated~~ Law Society.

(3.) With respect to the times, places and notices of the preliminary, intermediate and final examinations, and to the postponement of the final examination in cases where an articled clerk fails to pass the intermediate examination within a time or times prescribed by rules, 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.) With respect to the fees to be paid to the Society for Certificates delivered by the Committee under this Ordinance or Rules made thereunder.

*repealed by 53 of 41/1917.*  
 (6.) For regulating the mode of enrolment and admission of solicitors and the practice and procedure in matters involving enquiry touching the honesty and integrity and financial status of persons seeking to be admitted as solicitors or the grant or refusal of certificates of character by the Committee, ~~or touching the honesty and integrity or the professional conduct of solicitors,~~ and for enforcing attendance of witnesses at any such enquiry and taxation and payment of the costs of holding any such enquiry.

(7.) 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, and applications and appeals to the Court.

37. The Solicitors Ordinance (No. 105) and the Solicitors Repeal Ordinance, 1906, are hereby repealed.

38. This Ordinance shall commence and come into operation on a day to be proclaimed by the Governor. Commence-  
ment.

Passed in Council this Seventeenth day of June, in the year of Our Lord one thousand nine hundred and twelve.

HARRY L. KNAGGS,  
*Clerk of Council.*

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