

BRITISH COLUMBIA.



PROCLAMATION.

No. 8, A. D. 1863.

By His Excellency **JAMES DOUGLAS**, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of British Columbia and its Dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, under and by virtue of an Act of Parliament made and passed in the Session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, **JAMES DOUGLAS**, have been appointed Governor of the said Colony, and have been authorized by Proclamation under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good Government of the same;

And whereas, it is expedient to regulate by statute the admission of all persons who shall be allowed or entitled to practice in the Superior Courts of the said Colony, whether Barristers at Law, Attornies, or otherwise;

Now, therefore, I do hereby declare, proclaim, and enact, as follows:

I. The Sections numbered respectively V., VI., VII., VIII., IX., and XIII., and so much of Section I., as relates to the admission of Barristers, Attornies, or Solicitors in this Colony, of The Order of The Court of British Columbia, made and signed by **MATTHEW BAILLIE BEGGIE**, Esquire, Her Majesty's Judge of the said Court, in pursuance of a Proclamation made and passed on the 24th day of December, 1858, are hereby discharged and repealed. PROVIDED NEVERTHELESS that such repeal shall not be construed in any way to affect the position or right to practice, of any person who at the date of this Act, shall have been duly qualified, admitted, and actually enrolled, and entitled to practice in the Superior Law Courts of the Colony, as a Barrister at Law, Attorney, or Solicitor, and shall have continued to be so qualified and enrolled at the time of so practising; but every such admission and enrollment shall have as full force and validity as if this Act had not been passed.

II. From and after the passing of this Act, every person and no other (except as hereinbefore excepted) may be admitted, enrolled, and allowed to practice as a Barrister at Law, in the Superior Courts of Law in the Colony, who shall be possessed of the qualification following, viz:

Being a subject of the British Crown, of full age, good conduct and repute.

(1.) Who shall have been duly called and admitted to practice as a Barrister at Law, or Advocate, in any of Her Majesty's Superior Courts (not having merely local jurisdiction) in England, or Ireland; or,

Discharges Orders of Court as to admission.

Who may be Barristers.

(2.) who shall have been duly called and admitted to practice as a Barrister at Law, in any of the Superior Courts of Law (not having merely local jurisdiction) in any of Her Majesty's Colonies wherein the Common Law of England is the Common Law of the land, and who, if applying after the establishment of examinations for admission but not before, shall have passed such examination in the laws and practice of the Colony, as shall be hereafter legally established; or,

(3.) who shall have been so duly called and admitted to practice as an Advocate in the Court of Session in Scotland, or

(4.) who shall have been duly called and admitted to the Degree of Doctor of Civil Law, at any University, in England, Scotland, or Ireland, or

(5.) who shall have been instructed within the Colony, in the knowledge and practice of Law, and duly qualified to be called to the Bar, under and subject to such regulations as may hereafter be from time to time legally established in that behalf.

Who may be Attornies.

III. From and after the passing of this Act, every such person and no other (except as hereinbefore excepted) may be admitted enrolled, and authorized, and allowed to practice in the Superior Courts of Law of the Colony, as an Attorney or Solicitor, as shall be possessed of the qualification following, viz:

Being a subject of the British Crown, of full age, good conduct and repute.

(1.) Who shall have been actually and duly enrolled and entitled to practice, as a Solicitor, Attorney, Proctor, or Writer to the Signet, in any of Her Majesty's Superior Courts of Law (not having merely local jurisdiction) in England, Scotland, or Ireland, or

(2.) who shall have been actually and duly enrolled, and entitled to practice as a Solicitor or Attorney, in any of Her Majesty's Superior Courts as aforesaid, in any of Her Majesty's Colonies wherein the Common Law of England is the law of the land, and who if applying after the establishment of examinations for admission, but not before, shall have passed any such examination as shall hereafter be in that behalf legally established, or

(3.) who may have been instructed within the Colony, in the knowledge and practice of Law, and duly qualified to be enrolled in the Superior Courts of the Colony, as Attorney or Solicitor under and subject to such regulations as may from time to time hereafter in that behalf, be legally established.

Requisite preliminary to admission.

IV. Provided that no applicant for admission shall be capable of being admitted, enrolled, or allowed to practice, whether as Barrister at Law, Attorney or Solicitor, until he shall have first taken and subscribed the Oath of Allegiance before the Registrar, or Deputy Registrar of the Supreme Court of Civil Justice of British Columbia, at New Westminster, and shall have advertised in the *Government Gazette* at least two calendar months previous, notice of his intention to apply in the next ensuing Term thereafter of the Court to which such application is intended to be made, and have delivered in writing to the said Registrar, or Deputy Registrar, his application for such admission, giving therein at full length his name and address and a statement of his qualification, and shall have also made and subscribed the statutory declaration hereinafter mentioned, and have deposited with such Registrar, or Deputy Registrar, a Certificate under the hand of at least two duly enrolled and practicing Members of the legal profession of the said Colony, immediately before the application for admission, that they believe the applicant is a person of good moral conduct, and shall also have deposited with such Registrar, or Deputy Registrar, for at least one Calendar month after making such written application, the Certificate following, that is to say;

Oath of Allegiance.

Advertisement of intention.

Written application.

Statement of qualification.

Statutory declaration.

Testimonial of good conduct.

Call Certificate required.

If the applicant be a Barrister at Law of England, or Ireland, or

Advocate in Scotland, as aforesaid, a Certificate under the Seal of any of the Societies or Inns of Court in England, Scotland, or Ireland duly authorized in that behalf.

If a Colonial Barrister as aforesaid;

From a Colonial Barrister.

A Certificate under the Seal of any of the Societies or Inns of Court of such Colony, duly authorized in that behalf, or where none such exists then of the Superior Court or Courts, (not having merely local jurisdiction) of such Colony.

If a Doctor of Civil Law as aforesaid:

From a Doctor of Civil Law.

A Certificate of the University as aforesaid, where such applicant has taken such degree.

If an Attorney, Solicitor, or Proctor, as aforesaid;

From an Attorney (Home or Colonial).

A Certificate of the Superior Court or Courts as aforesaid, in England, Scotland, or Ireland or any such of Her Majesty's Colonies as aforesaid:

Under the hand of the proper Officer of such Society, Inn of Court, Court or Courts or University, as the case may be, to the effect that the applicant was at the date thereof on the Books of the said Society, Inn of Court, or University, or on the Roll of such Barristers, Attornies, Solicitors, Proctors or Writers to the Signet, of such Court or Courts as the case may be; and that no application had been made to such Society, Inn of Court, Court or Courts, since his admission therein, or enrollment, against such person for misconduct in such his capacity as Barrister at Law, Advocate, Attorney, Solicitor, Proctor, or Writer to the Signet.

V. Provided that no such applicant shall be capable of any such admission and enrollment as aforesaid, until he shall have made, and subscribed, and filed with the said Registrar, or Deputy Registrar, a declaration under, and subject to, the provisions and penalties of the Act passed in the fifth and sixth years of the Reign of His late Majesty, King William the Fourth, Chapter sixty-two, to the effect and in the form marked A in the Schedule hereto.

Statutory declaration.

VI. All documents required under this Act shall be submitted for the approval of the Judge of the said Supreme Court, as to their due compliance with the requirements hereof, and upon such approval, the name of such applicant as aforesaid, shall be entered by such Registrar, or Deputy Registrar, on the proper Roll, upon payment of the proper fees.

Admission after verification.

VII. The fees to be taken by the said Registrar, or Deputy Registrar, upon the transaction or entry of the several matters and things to be done by him under this Act, shall be such as shall be from time to time made, varied, or presented by any Order of the said Supreme Court.

Fees.

VIII. Nothing herein contained shall be construed to prevent the Judge of the said Supreme Court from exercising the powers and authority usually exercised in England by Judges of the Superior Courts over Attornies on the Roll, or in respect of other the persons practising in such Courts.

Saving of Judicial Authority.

IX. Any person knowingly making a false statement in any material point under this Act, or the above cited Act of the fifth and sixth years of the Reign of his late Majesty, King William the Fourth, Chapter sixty-two, shall be liable to the penalties by such last cited Act prescribed; and any person otherwise in any way acting, or practising, in contravention of any of the provisions of this Act, shall also be deemed guilty of a Contempt of Court and punishable accordingly.

Penalties on false statement, or other contravention of this Act.

X. The Schedule hereto shall be deemed a part of this Act.

Schedule part of Act.

XI. This Act may be cited for all purposes as "The Legal Professions Act, 1863."

Short Title.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this Eighteenth day of June, in the

year of Our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG, Colonial Secretary.

GOD SAVE THE QUEEN.

SCHEDULE.

TO WHICH THE FOREGOING ACT REFERS.

FORM A.

FORM OF DECLARATION BY BARRISTERS.

I, A. B. of do solemnly and sincerely declare that I am a Barrister at Law [or Advocate], duly authorized to practice in the Superior Courts (not having merely local jurisdiction) of England, [Ireland, Scotland, or Her Majesty's Colony of as the case may be] and that I was called to the Bar by the Honourable Society of , [or duly called to the Bar, and admitted, and enrolled, as a Barrister in the Court, in the said Colony;] [[variation for an Attorney or Solicitor; That I am an Attorney of Her Majesty's Court at Westminster, or Solicitor, Proctor, or Writer to the Signet, as the case may be, and that I was duly admitted and enrolled as an Attorney or [Solicitor as the case may be], of the said Court at Westminster, [if in one of Her Majesty's Colonies vary the wording accordingly] on the day of]]

And that I am the person named in the Certificate now produced, and that I am a British subject by birth, [or naturalization, if naturalized state the date], and that I have never since changed or declared the intention of changing my allegiance. And that I am truly qualified to act in the capacity of according to the tenor of my qualification, and that I have never been disqualified, nor done any act whereby or by reason whereof I may be or become disqualified, and that no application, or proceeding, has ever been taken or commenced against me, in any part of Her Majesty's Dominions, with the object of disqualifying me, or by reason whereof I might have become disqualified from acting as a Barrister, [Advocate, Attorney, Solicitor, Proctor or as the case may be].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act, made and passed in the fifth and sixth years of the Reign of his late Majesty, King William the Fourth, Chapter 62, intituled "An Act to repeal an Act of the present Session of Parliament intituled an Act for the more effectual abolition of Oaths and affirmations, taken and made in the various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire and effectual suppression of voluntary and extra judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

Signature of declarant _____

Made and subscribed at this day of A.D.

Before me,

FORM OF DECLARATION BY A DOCTOR OF CIVIL LAW.

I, A. B. of do solemnly and sincerely declare that I am a Doctor of Civil Law of the University of , and was duly admitted to that Degree at on the day of . And that I am the person named in the Certificate now produced; and that I am a British subject by birth [or naturalization, if naturalized state the date], and that I have never since changed or declared the intention of changing my allegiance. And I make this solemn declaration &c. [concluding as above.]