

Laws of His Majesty's Province of Newfoundland, passed in the year 1834.

4 William IV – Chapter 23 (Session 1)

An Act to incorporate a Law Society in Newfoundland, and to regulate the admission of Barristers and Attornies to practise in the Law in the several Courts in this Island. (12th June, 1834.)

Be it enacted, by the Governor, Council, and Assembly of Newfoundland, that from and after the passing of this Act, it shall and may be lawful for the persons, now admitted to practise in the Law, and practising at the Bar of any of His Majesty's Courts of this Island, to form themselves into a Society, to be called "The Law Society of Newfoundland," as well for the establishing of order amongst themselves, as for the purpose of securing to the Island and the profession, a Learned and Honorable body, to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the Island.

II. And be it further enacted, by the authority aforesaid, that the said Society shall, and it is hereby authorized to, form a body of Rules and Regulations for its own Government, under the Inspection of the Judges of the Supreme Court of this Island, for the time being, as Visitors of the said Society, and to appoint Six Members, or more, of the present Practitioners, and such Six Members or more for the time being, in all times to come, whereof His Majesty's Attorney-General and Solicitor-General, for the time being, shall be, and be considered to be two, as Governors or Benchers of the said Society, and also to appoint a Librarian and Treasurer.

III. And be it further enacted, that it shall and may be lawful for the said Practitioners, or as many as can be called together, (whereof His Majesty's Attorney General and Solicitor General shall be two) to assemble at St. John's, in the Island aforesaid, on the First Day of July next after the passing of this Act, for the purpose of framing and adopting such Rules and Regulations, as may be necessary for the immediate Establishment of the said Society, and its future welfare: And such Rules and Regulations as shall then and there be adopted, shall be openly read, and entered in a Book, to be for that purpose provided, and having received the approbation of the said Judges, as Visitors as aforesaid, shall be, and be considered to be, the constitution of the said Society, and binding upon all its Members. Provided always, that it shall and may be lawful, in time to come, to add such other Rules and Regulations, with the approbation of the Judges as aforesaid, as may then and there be necessary.

IV. And be it further enacted, that it shall and may be lawful to and for every person now practising at the Bar of any of His Majesty's Courts of this Island, or who shall hereafter be duly authorized to practise as aforesaid, to take and have Three Articed Clerks at one time, and no more.

V. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful for any person, having been duly called to the Bar of any of His Majesty's superior Courts, not having merely local jurisdiction in England, Scotland, or Ireland, or in any of His Majesty's North American Colonies, in which the same privilege would be extended to Barristers of this Island, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct, to the satisfaction of the Law Society of this Island, to be called, by the said Society, to the degree of a

Barrister, upon his entering himself of the said Society, and conforming to all the Rules and Regulations thereof.

VI. And be it further enacted, that no person shall be permitted to practise as an Attorney or Barrister of this Island, who shall not have attained, at the time of his admission and being called to the Bar, the full age of twenty-one years.

VII. And be it further enacted, that from and after the passing of this Act, no person shall be admitted by the Supreme Court, to practise as an Attorney of this Island, unless upon an actual service of Five Years with some Practising Attorney of this Island, or who, having been entered upon the Books of the said Society as Students at Law, shall have been subsequently called to the Bar in England, Scotland, or Ireland, or any of His Majesty's Colonies: Provided always, that if at any time there shall not, in the opinion of the Supreme Court, be a sufficient number of fit and proper persons, practising as Attornies in Newfoundland, to conduct the ordinary business of the Island, in the different Courts of Justice established therein; then, and in such case, it shall and may be lawful for the said Supreme Court to admit any such Barrister or Barristers as aforesaid, who may have been so called to the degree of a Barrister in this Island, to practise also as an Attorney or Attornies in the several Courts thereof.

VIII. And be it further enacted, that the Treasurers and Benchers of the said Law Society, for the time being, and their successors, to be nominated and appointed according to the Rules and Bye-Laws of the said Society, shall be, and they are hereby declared to be, One Body Corporate and Politic, in Deed and in Law, by the name of the "Law Society of Newfoundland," and shall have perpetual succession, and a Common Seal, with power to break, alter, change, or make new the same; and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court or Courts of Record, and places of Jurisdiction within this Island: And that they and their successors, by the name aforesaid, shall be able and capable in Law, to have, hold, receive, enjoy, possess, and retain, for the end and purposes of this Act, and in trust and for the benefit of the said Society, all such sum and sums of money, as shall or may be given, devised, or bequeathed, by any person or persons, to and for the use of the said Society; and that they and their successors, by the name aforesaid, shall and may, at any time hereafter, without any license of mortmain, purchase, take, receive, have, hold, possess, and enjoy all Lands, Tenements, or Hereditaments, for the purposes of the said Society, and for no other purpose whatsoever; and may also in the same manner, sell, grant, lease, demise, alien, or dispose of the same, and do and execute all and singular other matters and things, that to them shall or may appertain to do.