

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1593	Press ~~His.~~
(263-264)	
Dated 26.9.1862.	#

6/7

Not to be folded or roughly handled

1893 Jul
(263-264) 26-9-1862

122/2610/R.H/80R

Restored

27/10/62

*Proceedings of the Madras Government, Judicial Department,
26th September 1862.*

No. 263. Read the following letter from CLEMENT DALE, Esq., Government Pleader, to the Honorable THOMAS PYCROFT, Chief Secretary to Government, Fort Saint George, dated 20th September 1862, No. 145.

Para. 1. I do myself the honor of acknowledging the receipt of the Proceedings of Government of the date and number noted in the margin.

2. Since their receipt, I have been informed by Mr. Advocate General, that the Vakeels of the High Court (other than Barrister and Attornies) have prepared a petition to the Judges, which it is intended to submit for the consideration of the full Court at the earliest practicable opportunity, soliciting a re-consideration of the 4th and 5th Rules of the High Court passed on the 23th August 1862, the Vakeels contending that the Charter does not confer on the Court the power of admitting practitioners on the Rolls of the Court in a two-fold capacity, and that on a fair construction of the Charter, the Court can admit parties to be enrolled and to practice in one only of the 3 capacities named in the Charter, viz., either as a Barrister, or as a Vakeel, or as an Attorney, and that no one person can be allowed to practice in two of such capacities.

3. If the view thus contended for should be admitted by the Judges to be correct, it will follow that I shall not be able to comply with the requirement of Government (nor will any other Barrister or any Attorney) without forfeiting my status as Barrister.

4. And should such alteration be made in the Rules as is now sought for, I opine the subject must necessarily be re-considered by Government, with the view of making arrangements which will accord with the then Rules of the Court.

Under these circumstances, I do myself the honor of requesting that I may be allowed to defer making my election, as required in the 4th Section of the proceedings noted above, until after the Court may have given their decision on the petition of the Vakeels mentioned in para. 2. I make this request with confidence, because if on the petition to which I have referred being decided, Government should deem it desirable to make arrangements different from those contemplated in the proceedings noted above, it may prevent the necessity for considering the course which should be pursued consequent on my being deprived of my office, such deprivation having resulted from the effect of legislation.

No. 264. ORDER THEREON, 26th September 1862, No. 1,593.

The Government will not object to allow Mr. Dale to defer making his election in respect to the office of Government Pleader until the High Court have given their decision upon the petition referred to in his letter—but on the distinct understanding that should any matter in which the Government is concerned come before the High Court prior to the decision being delivered, Mr. Dale will arrange for the necessary measures being duly taken on their behalf, and without any additional expense to the State.

(Signed) T. PYCROFT,
Chief Secretary.

London

me

My dear Sir
from what I had
expected: however
the Adm'l sent for
me & gave me the
information embodied
in the accompanying
officials: If Govt will
not allow me to defer

My
no
write.
Yours

Two
no

no

no

22/10/1862

1862

120

1862

07

Senators a new paper
being printed. which is
interior at a small

date. 1862

but in the mean time which
are as to the paper of the Senate
which the copies of the paper
just

wherever
 the same is
 required

Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the

20th October 1862 No 145

Order thereon 26 September 1862 No 1593.

The Court will not object
 to allow Mr. Dale to defer making
 his election in respect to
 the office of Court Pleader until
 the Court have given
 decisions upon the questions
 referred to in his letter. And on
 the distinct understanding that
 should any matter in which
 the Court is concerned come be-
 fore the High Court prior
 to decision being delivered, Mr. Dale
 will arrange for the necessary
 costs on
 their behalf and without addi-
 tional expense to the State.

W. M.

W.

To The Court Pleader
 Chief Justice & Judges of the
 High Court
 - Court-Solicitor.

} depd 26

JP

W. M.

Geo. F. Brockwell.
1862. Department.

No. 1593.

PROCEEDINGS OF GOVERNMENT.

Dated 26. Sept^r. 1862

Intimating that the Court
does not expect to allow a habeas
to making his election in
respect to the office of Lord
Chancellor until the High Court
have given their decision
upon the petition offered to in
his letter.

26382244