Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1055-56

Dated 18th May 1895

INDEXED.

[Despatch Abstract.]

ATTORNEYS' AND SOLICITORS' BILL.

Forwarding to the Government of India, Home Department, with remark, copies of the opinions of the Hon. the Chief Justice and Judges, the Government Solicitor, and the Attorneys' Association Madras, on the draft----to deal with the question of reciprocity in the admission of such officers to practice as between the United Kingdom and the Colonies and India.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	349		95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3535		95				
	4579		95				
Cwd	1983/98						

Govt. of {1895} Madras.

JUDICIAL.

Issued

Recd. Encl.

G.O., 18th May 1895, No. 1055.

MAY.

Attorneys' and Solicitors' Bill.

Forwarding to the Government of India, Home Department, with remark, copies of the opinions of the Hon'ble the Chief Justice and Judges, the Government Solicitor and the Attorneys' Association, Madras, on the draft — to deal with the question of reciprocity on the admission of such officers to practise as between the United Kingdom and the Colonies and India.

18TH MAY 1895, No. 1055, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper:—

G.O., dated 16th February 1895, No. 349, Judicial.

ABSTRACT.—Inviting the opinions of the Hon'ble the Judges of the High Court, the Government Solicitor, the Attorneys' Association and the Madras High Court Vakils' Association on the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and India and the Colonies.

READ—also the following papers:—

From the Secretary to the Attorneys' Association, to the Chief Secretary to Government, dated Madras, 12th March 1895.

I have the honour to acknowledge receipt of G.O., dated 16th February 1895, No. 349, inviting the opinion of the Association on the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and India and the Colonies. I have also the honour to inform that the said draft Bill was duly discussed and considered at a meeting of the Attorneys' Association held on Saturday last, the 9th instant, when it was unanimously resolved to approve of the draft Bill in its entirety subject to the following proviso being inserted after clause (*d*) of section I of the said draft Bill:—

> "Provided always that any such Attorney or Solicitor who shall have been in actual and continued practice for a period of not less than seven years up to within one year prior to the date of such certificate as is mentioned in clause (*b*) hereof shall not be required to pass any such examination."

The Association desire to bring to notice the extreme improbability of those who serve their articles in India going home at the expiration of their articles to commence practice there; while, on the other hand, it is not unusual for Solicitors just out of their articles at home to at once come out to this country as Assistants to firms here. But an Attorney who has served his articles and has been in practice for many years in India may find it necessary, on account of failing health or otherwise, to leave this country and retire to England and he may be without resources there if he is unable to practise his profession, and it seems hardly reasonable, therefore, that he should be required to pass an examination before being allowed to do so.

(Signed) J. SHORT,
Honorary Secretary.

From the Government Solicitor, to the Chief Secretary to Government, dated Madras, 14th March 1895, No. 140.

With reference to G.O., dated 16th February 1895, No. 349, Judicial, I beg to inform you that a meeting of the Attorneys' Association was held on the 9th instant to consider the draft Bill to regulate the admission of Attorneys and Solicitors of the Superior Courts in the Colonies and British India as Solicitors of the Supreme Court of Judicature in England, at which meeting I was present. A resolution was passed by the meeting generally approving of the draft Bill, and such resolution will be communicated to Government. I have no separate remarks to make regarding the Bill.

(Signed) E. BARCLAY,
Government Solicitor.

From the Acting Registrar of the High Court of Judicature, Appellate Side, to the Chief Secretary to Government, dated Madras, 20th March 1895, No. 814.

With reference to G.O., dated the 16th ultimo, No. 349, Judicial, communicating, for the opinion of the Honourable the Judges, a draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and India and the Colonies, I am directed to state that the Honourable the Chief Justice and the Judges have no objection to the proposed enactment.

(Signed) D. W. G. COWIE,
Ag. Registrar.

From C. H. A. HILL, Esq., Officiating Under Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Simla, the 17th April 1895, No. 555.

I am directed to invite attention to the communication marginally noted and to request that the Government of India may be furnished with as little delay as possible with the views of the Hon'ble the Chief Justice and Judges and of the leading Attorneys of the High Court at Madras on the subject, as Her Majesty's Secretary of State for India is anxious for an early reply.

Letter, No. 131, dated the 25th January 1895, regarding the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and the Colonies and India.

ORDER—dated 18th May 1895, No. 1055, Judicial.

The following letter will be despatched to the Government of India :—

[Here enter No. 1056, dated 18th May 1895.]

(True Extract.)

Chief Secretary.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

In response to Mr. Luson's letter, dated Calcutta, the 25th January 1895, No. 131, I am directed to forward copies of the opinions of the Hon'ble the Chief Justice and Judges, the Government Solicitor and the Attorneys' Association, Madras, on the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and the Colonies and India and to state that the opinion of the Madras High Court Vakils' Association has not yet been received.

It will be seen that the only alteration in the Bill which has been suggested is the insertion of a provision in section 1 exempting Attorneys who have been in continuous practice in Indian or Colonial courts for over seven years from the necessity of undergoing the examination prescribed in clause (*d*) of that section.

I have the honour to be,
Sir,
Your most obedient servant,

OOTACAMUND,
18*th May* 1895.

Chief Secretary.

Regr. No.

HOME 1895 DEPT.

[ ]

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 18th May 1895, No. 1056.

MAY.

Attorneys' and Solicitors' Bill.

Forwarding, with remark, copies of the opinions of the Hon'ble the Chief Justice and Judges, the Government Solicitor and the Attorneys' Association, Madras, on the draft — to deal with the question of reciprocity on the admission of such officers to practise as between the United Kingdom and the Colonies and India.

No 140. 1291

Madras 14th March 1895

From

Ernest Barclay
Government Solicitor
Madras

CHIEF SECRETARIAT
15 MAR. 1895
GOVERNMENT OF MADRAS

3B

To

The Chief Secretary to Government
Madras

Sir

With reference to the Order of Government dated 16th February 1895, No. 340, Judicial, I beg to inform you that a meeting of the Attorneys Association was held on the 9th instant to consider the draft bill to regulate the admission of Attorneys and Solicitors of the Superior Courts in the Colonies and British India as Solicitors of the Supreme Court of Judicature in England, at which Meeting I was present. A resolution was passed by the meeting generally approving of the draft bill, and such resolution will be communicated to Government. I have no separate remark to make regarding the bill.

I have the honor to be
Sir
Your most obedient Servant
Ernest Barclay
Government Solicitor

Jud

G.O. 349/95 S.C.

CURRENT No. 1291

Jud

From

The Govt. Solicitor
Madras

No. 140

Dated 14 · 3 - 95
Recd 15 · 3 - 95

Subject:

Stating that at a meeting of the Attorneys Assocn. a resolution approving of the draft Bill to regulate the admission of attorneys as Solicitors of the Supreme Court in England, was passed

Please present these
three comments ~~reading~~
also purport of the
printed bill. Ch
25/3

[G/9]
2,000—23-1-95.

Current No. 1310

Jud DEPARTMENT.

From The Secretary to the
Attorneys Assocn.
Madras

No.

Dated 13. 3. 95

Received 15 3. 95

Regd 16. 3. 95

Enclosures /

SUBJECT:

Forwd. a letter expressing the opinion of the Assocn. on the Draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and India and the Colonies

U.S. For H.C.

The replies may be
sent to press, as they
are received.

E
27/3/95

Read - also the following papers:-

28

CHIEF SECRETARY
15 MAR. 1895
GOVERNMENT OF MADRAS

118, Armenian Street,
Madras. 12th March 1895...

From,

James Short Esq,
Secretary to the
Attorneys Association.

To,

The Chief Secretary to Government,
Fort Saint George.

Sir,

I have the honor to acknowledge receipt of G. O. dated 16th February 1895 No.349 inviting the opinion of the Association on the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and India and the Colonies. I have also the honor to inform that the said draft bill was duly discussed and considered at a meeting of the Attorneys Association held on Saturday last the 9th instant when it was unanimously resolved to approve of the draft bill in its entirety subject to the following proviso being inserted after clause (d) of Section I of the said draft bill.

"Provided always that any such attorney or Solicitor "who shall have been in actual and continued practise for "a period of not less than seven years up to within one "year prior to the date of such certificate as is mention "-ed in clause (b) hereof shall not be required to pass "any such examination".

The Association desire to bring to notice the extreme improbability of those who serve their articles in India going home at the expiration of their articles to commence practice there; while, on the other hand, it is not unusual for Solicitors just out of their articles at home to at once come out to this country as Assistants to firms here. But an Attorney who has served his articles and has been in practice for many years in India may find it necessary, on account of failing health or otherwise to leave this country and retire to England and he may be without resources there if he is unable to practise his profession and it seems hardly reasonable therefore that he should be required to pass an examination before being allowed to do so.

I have the honor to be,
Sir,
Yours Obedient Servant,

James Short
Hony Secy.
Attorneys Association

1895
Jud
Enclos. No
To 1320
O. No......

1310

JAMES SHORT,
Solicitor.

118, Armenian Street,

MADRAS, 15th March 1895.

The Honble Mr. J. F. Price
Fort St. George.

Dear Sir,

Having seen your letter to Mr. Barclay of yesterday's date I now beg to enclose in lieu of my letter of the 12th Instant a letter type-written. I regret through carelessness in my office a smudged press copy should have been sent to you and in future I shall take care that all letters to Government so long as I am Secretary of the Association shall be hand copied or type-written.

I regret also that

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1895
Jud
Enclos. No.
Do. 1320
O. No.

1426

Judicial {1895.} Department.

No.

FROM

The Ag. Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated 20th March
Received 22 } 1895.

CHIEF SECRETARIAT
22 MAR 1895
GOVERNMENT OF MADRAS

No. 814.
Enc .

Stating that the High Court has no objection to the proposed enactment to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and India and the Colonies.

H.c.
Please have this put in type in contn. of recommendation & sent to press
AS 24/3

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back; * * * * *
and the abstract should state clearly the purport of the letter and not merely its title subject, * * * * *

Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O., 8th April 1893, No. 239, Public.)

CURRENT No. 1426

High Court of Judicature,
Madras, 20th March 1895.

No. 814.

4B

From

D. W. G. Cowie Esquire,
Ag. Registrar of the High Court
of Judicature, Appellate Side,
Madras.

To

The Honorable J. F. Price, C.S.I.,
Chief Secretary to Government.
Fort St. George.

Honorable Sir,

With reference to G. O. dated the 16th ultimo, No. 349. Judicial, communicating, for the opinion of the Honorable the Judges, a draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom & India and the Colonies, I am directed to state that the Honorable the Chief Justice and the Judges have

have no objection to the proposed enactment.

I have the honor to be,
Honorable Sir,
Your most obedient servant,

D. Cowie
As. Registrar

1055

18 May ~~March~~ 1895, No. , JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper:—

G.O., dated 16th February 1895, No. 349, Judicial.

ABSTRACT.—Inviting the opinions of the Hon'ble the Judges of the High Court, the Government Solicitor, the Attorneys' Association and the Madras High Court Vakils' Association on the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and India and the Colonies.

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From the Secretary to the Attorneys' Association, to the Chief Secretary to Government, dated Madras, 12th March 1895.

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> "Provided always that any such Attorney or Solicitor who shall have been in actual and continued practice for a period of not less than seven years up to within one year prior to the date of such certificate as is mentioned in clause (*b*) hereof shall not be required to pass any such examination."

The Association desire to bring to notice the extreme improbability of those who serve their articles in India going home at the expiration of their articles to commence practice there; while, on the other hand, it is not unusual for Solicitors just out of their articles at home to at once come out to this country as Assistants to firms here. But an Attorney who has served his articles and has been in practice for many years in India may find it necessary, on account of failing health or otherwise, to leave this country and retire to England and he may be without resources there if he is unable to practise his profession, and it seems hardly reasonable, therefore, that he should be required to pass an examination before being allowed to do so.

(Signed) J. SHORT,
Honorary Secretary.

From the Government Solicitor, to the Chief Secretary to Government, dated Madras, 14th March 1895, No. 140.

With reference to G.O., dated 16th February 1895, No. 349, Judicial, I beg to inform you that a meeting of the Attorneys' Association was held on the 9th instant to consider the draft Bill to regulate the admission of Attorneys and Solicitors of the Superior Courts in the Colonies and British India as Solicitors of the Supreme Court of Judicature in England, at which meeting I was present. A resolution was passed by the meeting generally approving of the draft Bill, and such resolution will be communicated to Government. I have no separate remarks to make regarding the Bill.

(Signed) E. BARCLAY,
Government Solicitor.

Gokarn

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(Signed) D. W. G. COWIE,
Ag. Registrar.

Proof

of the replies recd

CURRENT No. 2020

No. 555

From

C. H. A. Hill, Esq.,

Offg. Under Secy. to the Govt. of India.

To

The Chief Secy. to the Government of Madras.

Home Department.

(Judicial)

CHIEF SECRETARY GOVERNMENT OF MADRAS 23 APR 1895

Simla, the 14 April 1895.

Sir,

I am directed to invite attention to the communication marginally noted and to request that the Government of India may be furnished with as little delay as possible with the views of the Hon'ble the Chief Justice and Judges and of the leading Attorneys of the High Court at Madras on the subject, as Her Majesty's Secretary of State for India is anxious for an early reply.

S.C. 349
16.2.95

Letter No. 131 dated the 25th January 1895 regarding the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and the Colonies and India.

I have the honour to be,

Sir,

Your most obedient Servant,

Offg. Under Secy. to the Govt. of India.

Judicial Dept

CURRENT NO. 2020.

Judl G.O. 349 - 16 Feby 95.

1776

From, The Govt. of India
Home Dept. (Judl)

No. 555.

Dated 17th } April 1895
Recd 23d }

Enc: "

I thought these had gone up to India

Subject

Requesting an early reply to letter no. 131, dated the 25th Jany 1895, re the draft Bill to deal with the question of reciprocity in the admission of Attorneys & Solicitors to practise as between the United Kingdom & the colonies and India.

To await receipt of papers (replies to G.O. 349/16.2.95) from the Madras office;

the replies are printing & M. O. has been asked to send up the papers at once.

WR
24-4-95

Papers recd & resubd with a summ. to Vakils assn.

WR
29/4

[G/25.]
600—8-5-95.

Judicial DEPARTMENT.

C. No. 1291, 1310, 1426 & 2020/95.

FOR ORDERS.

These are the replies to G.O. of 16 Feby 1895 No. 349, Judl. In that G.O. the opinion of the Hon: the Judges of the High Court, the Govt. Sol. the Attorney's Assocn. & the Madras High Court Vakils' Association was invited on the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom and the Colonies and India. Their views may be abstracted as follows:—

(1) Govt: solicitor. He refers to the resolution passed by the Attorney's Assn. on the subject (which is detailed further on) & states that he has no separate remarks to offer.

(2) The Secretary to the Attorney's Association:— reports that it was unanimously resolved, at a meeting of the Assn. held on the 9 March 1895 to approve of the draft Bill in its entirety subject to the following proviso being inserted after clause (d) of sec. I of the draft Bill.

P. T. O.

"Provided always that any such attorney or "Solicitor who shall have been in actual and "continued practice for a period of not less than "seven years up to within one year prior to "the date of such certificate as is mentioned "in clause (b) hereof shall not be required "to pass any such examination."

The Association also desires to point out the Extreme improbability of those who serve their articles in India going home at the expiration of these ~~articles~~ to commence practice there; while, on the other hand, it is not unusual for solicitors just out of their articles at home to come out at once to this country as assistants to firms here. But an Attorney who has served his articles and has been in practice for many years in India may find it necessary, on account of failing health or otherwise to leave this country & retire to England & he may be without resources there if he is unable to practise his profession. they argue therefore that it ~~& that it, therefore,~~ seems hardly reasonable to require him to pass an examination before being allowed to do so.

(3) Registrar of the High Court: states that the Hon'ble the Chief Justice & the Judges have no objection to the proposed enactment.

2. G.O. 2020 of 95 is a reminder from the Govt. of India calling for the opinions with as little delay as possible, as ~~H.M's~~ the Secy. of state is anxious for an early reply.

FOR ORDERS.

The Secy, Madras High Court Vakils' Assocn; has not yet replied in spite of 2 reminders (one issued on 3rd April & the second on 29th April). ~~Perhaps a telegram may now issue to the Secy:? or India replied at once without waiting for this opinion?~~ It is nearly three months since their opinion was invited & I submit that there is no need to wait any longer for it. The Govt. of India does not ask for the opinion of the local Govt. & there is apparently therefore no need to submit the paper to H.M. – May ~~an~~ or a letter be drafted communicating the views of these bodies at once, & explaining why the opinion of the Vakils' Assocn has not been taken?

D
10.5.95

17/5

MR 11.5.95

Attorneys & Solicitors
Bill.

E

~~P/A~~ (For orders)

KR

Draft
D/
17.5

Lr No 1055/
18-5-95

VM

[G.
24.]
600—8-3-95.

Judicial DEPARTMENT.

Papers to be read in proceedings:—

(P) Again G.O., dated 16th February 1895, No. 349, Judl,
Again G.O., dated 189 , No.

3B

All these are already in proof. A
Current No. 1291 of 1895, dated 14 March from the Govt. Solr.
" 1310 " 15 " " Secy. to the Attorney's Assn., Madras.
" 1426 " 20 ~~April~~ March " Registrar, High Court.

(Abstract) Current No. 2020 of 1895, dated 17 April from " Govt. of India, Home.

ORDER. d/ 18th May 1895 No. 1055
PS

The following letter will be despatched to the Govt. of India.

(From orders of C.S.)
D/
18.5.95

Letter No. 1056

To

The Secretary to the Govt. of India,
Home Dept.
~~Letter 31 copies~~
Prs 31 copies
Despd 3/6/95

Sir,

In response to Mr. Luson's letter of Calcutta, the 25th Jany 1895, No. 131, I am directed to forward copies of the opinions of the Hon'ble the Chief Justice & Judges, the Govt. Solicitor & the Attorney's Association, Madras on the draft Bill to deal with the question of reciprocity in the admission of Attorneys and Solicitors to practise as between the United Kingdom & the Colonies and India and to state that the opinion of the Madras High Court Vakils' Association has not yet been received.

P.T.O.

M18/95

It will be seen that the only alteration in the bill which has been suggested is the insertion of a provision in sec. 1 exempting attorneys who have been in continuous practice for over seven years in Indian or Colonial Courts, from the necessity of undergoing the examination prescribed in clause (d) of that section

L.

3

R. 3 9 5

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED.
- Order complete.
- Letter only.
- Order complete with Letter.

READ AGAIN G.O., No. 189 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.