

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				
	Cus 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.

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,
18th 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.

N^o 140.

1291

Madras 14th March 1895

From

Ernest Barclay

Government Solicitor

Madras

To

The Chief Secretary to Government

Madras

Sir

With reference to the Order of Government

dated 16th February 1895, N^o 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.

I have the honor to be

Sir

Your most obedient Servant.

Ernest Barclay

Government Solicitor

Jul

30349/95 se

CURRENT NO 1291

Jul

From

The Govt. Secy to the
Madras

No 140

Decd 14 3-55

Recd 15 3-55

Subject

It being that at a meeting
of the Attorneys Assoc.
a resolution approving
of the Draft Bill to regulate
the admission of attorneys
as Solicitors of the Supreme
Court in England, was
passed

Please forward this
to the Council - meeting
also forward to the
President of the
25/3

[G
9]

2,000-23-1-05.

Current No. 1310

Jul

DEPARTMENT.

From

The Secretary to the
Attorneys Assoc.
Madras

No.

Dated 15 3 95

Received 15 3 95

Enclosures 16 3 95

SUBJECT:

Forward a letter expressing the
opinion of the Assoc. 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

W.S.

20/11/95

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

Also the following papers:-

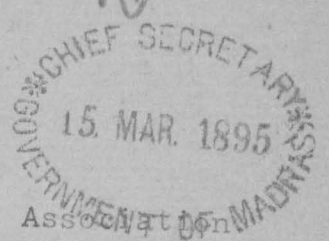
118, Armenian Street,
Madras. 12th March 1895...

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 insert-
-ed 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 com-
-mence practice there; while, on the other hand, it is not un -
-usual 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
Esq.
Attorney at Law

JAMES SHORT,
Solicitor.

118, Armenian Street,

MADRAS, 15 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

You

to me

as, a

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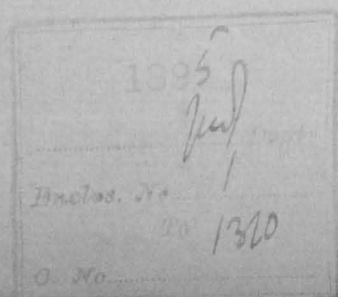
I so

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60-4
61-4
62-7
63-4

96 99 100 101



1426

Judicial {1895.} Department.

No.

FROM

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

Dated 20th March
Received 22 } 1895.



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.

Hc
Please have this
put in type in
communication of
to please ds
24/3

1895
Encls. No. 1360
O. No.

CURRENT No.

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

N^o 814.

From

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

To

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

Honorable Sir,

With reference to G. O. dated
the 16th ultimus, N^o 349, Judicial,
Communicating, for the opinion of the
Honorable the judges, a draft Bill
to deal with the question of reci-
-procity in the admission of
Attorneys and Solicitors to
practice as between the United
Kingdom & India and the
Colonies, I am directed to
state that the Honorable the
Chief Justice and the judges
have

Every letter, whether printed or in manuscript, should be doc-
keted 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.)

have no objection to the
proposed enactment.

I have the honor to be,
Honorable Sir,

Your most obedient servant,

A. Registrar.

18 March 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.

Graham

1426

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, communi-
cating, 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.

Proof.

of the replies recd

CURRENT No. 2020

No. 555

B

From

C. H. A. Hill, Esq.,

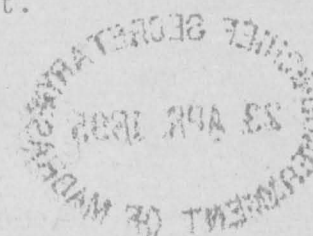
Offg. Under Secy. to the Govt. of India.

To

The Chief Secy. to the Government of Madras.

Home Department.

(Judicial)



the 14 April 1895.

Sir,

I am directed to invite attention to the communication marginally noted and to request that the Government

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.

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.

I have the honour to be,

Sir,

Your most obedient Servant,

C. Hill

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

Judicial Dept
CURRENT No. 2020.

1776
P.O. 349. 16 Feb 95.

From, The Govt of India
Home Dept (Jud)

No. 555.

Dated 17th } April 1895
Recd 23rd }
Encl: 1

Encl

Requesting an early reply to letter
no. 131, dated the 25th Jan'y 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 P.O. 349) from the Madras office.

the replies are printing & m.o has been asked
to send up the papers at once.

MR
24.4.95

Papers recd. & resubd
with a rem. to Vakil's assn.
MR 29/4

[3]
[25]
600-84-90.

Judicial DEPARTMENT.

C. Nos 1291, 1310, 1426 + 2020/95.

FOR ORDERS.

These are the replies to go of 16 Feb'y 1895
no. 349, Judl. In that go the opinion of the
Hon: the Judges of the High Court, the Govt Sol.
the Attorney's Assocⁿ & the Madras High
Court Vakil's Association was invited on the
draft Bill to deal with the question of recipro-
city 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 Assocⁿ 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 Assocⁿ 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."

FOR ORDERS.

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 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 ~~may therefore~~ ^{may therefore} ~~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 Honble the Chief Justice & the Judges have no objection to the proposed enactment.

2. Ac. 2020 of 95 is a reminder from the Govt. of India calling for the opinions with as little delay as possible, as ~~the~~ ^{the} Secy. of state is anxious for an early reply.

The Secy. Madras High Court Vakils' Assoc. has not yet replied in spite of 2 reminders (one issued on 3rd April & the second on 29th April).

Perhaps a telegram may now come to the Secy.? or India replied that 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~~ a letter be drafted communicating the views of these bodies at once, & explaining why the opinion of the Vakils' Assoc. has not been taken?

D
16.5.95

491. 16
17/5

MR 16.5.95

Papers to be read in proceedings:—

(P) Again G.O., dated 16th February 1895, No. 349, Tudd,
Again G.O., dated 189 , No. n3
Current No. 1291 of 1895, dated 14 March from the Govt. Sol.
1360 15 .. Secy. to the Attorney's Assⁿ, Madras.
1426 20 April 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.

(4mm orders of CS)
D.
18.5.95.

Letter No 1056

To

The Secretary to the Govt. of India,
Letter 31 Copies
Prin 31 Copies Home Dept
Despd 3/6/95

Sir,

In response to Mr. Lucas's letter of Calcutta, the 25th Jan'y 1895, no. 131, I am directed to forward copies of the opinions of the Honble. 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 what the opinion of the Madras High Court Vakils' Association has not yet been received.

18145

PT.

Attorneys & Solicitors

Bill

E

CP
(For orders)

RR

Draft
17.5

VW

G.O. No 1055
18.5.95

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 Canada or Colonial Courts, from the
necessity of undergoing the examination
prescribed in clause (d) of that section.

L.
3
R. 555

N
38
J. K. P.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
199

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITO.

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.

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