

Number of Sheets - 22

Date of Report - 21.5.75

Initial of Ref. 1000

Tamil Nadu Archives

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G.O. NO 1301-2 Tamil Dept

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1301-1302
1

Pleaders, &c.

JUDICIAL DEPARTMENT.

No. 1302.

To

THE HON. SIR WALTER MORGAN, *Kt.*,
Chief Justice of the High Court of Judicature at Madras.

HONORABLE SIR,

Referring to the Acting Registrar, Mr. Weir's letter, dated the 2nd April 1875, No. 749, I am directed to enclose copy of the Proceedings of Government marginally noted, and to request that the Honorable the Judges of the High Court will consider whether an amendment of Regulation XIV. of 1816 would not meet the inconveniences mentioned in paragraph 5 of their letter, and what in that case they would propose to enact.

7th June 1875, Nos. 34 to 36.

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

OOTACAMUND,
7th June 1875.

Officiating Chief Secretary.

Exd. A. S. Rodgera.

Members, do—The High Court of Madras, in its order of the 14th April 1875, has directed the Collector of Bellary to report to the High Court, in order to be considered for the purpose of the amendment of Regulation XIV. of 1816, and to report the consequences of the amendment of the Regulation, and the consequences of the amendment of the Regulation, and the consequences of the amendment of the Regulation.

THE
HON. THE
JUDICIAL
MAGISTRATE
No. 24-37.

G.O. 7th June 1875, No. 1302.

From the Collector of Bellary, dated 24th April 1875, No. 1,085

THE HON. THE
JUDICIAL
MAGISTRATE
No. 24-37.

THE HON. THE
JUDICIAL
MAGISTRATE
No. 24-37.

No. 1,295.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th May 1875.

Read the following replies to Board's Proceedings, dated 14th April 1875,

No. 920:—

From the Collector of Nellore,	dated 24th April 1875, No. 1,085
" " of Bellary,	" 27th " " 134
" " of North Arcot,	" 24th " " 203
" " of South Arcot,	" 23rd " " 169
" " of Madura,	" 29th " " 180
" " of Coimbatore,	" 28th " " 118

In Board's Proceedings, dated 14th April 1875, the Collectors of the districts Nellore, Bellary, North Arcot, South Arcot, Madura and Coimbatore, noted in the margin were requested to report their opinions as to the introduction, proposed by the High Court, of

Act XX. of 1865 (Pleaders, Mookhtears, and Revenue Agents Act) into this Presidency.

2. *Nellore*.—The Collector is of opinion that the Act is not called for, that no revenue agents will enrol themselves, and that revenue business will go on as usual under Section 35, which provides that any person may commence and prosecute any particular business in revenue offices, under general or special power of attorney, with the general or special sanction of the Board of Revenue, or officer authorized by the Local Government in that behalf. It would certainly be necessary if the Act were introduced to confer such general authority upon all revenue officers.

3. *Bellary*.—The pleaders of the Munsifs' Courts at the divisional stations are now available as revenue agents, and the Collector deprecates the enrolment of a special class. There is not enough business to employ them; they would foster litigation; the procedure in revenue offices is simple, and in many cases, from considerations of expense, the parties would act for themselves as they now do.

4. *North Arcot*.—The Collector is in favor of the Act. The revenue officers cannot now legally object to any man, however ignorant, being employed, and many dismissed officials of bad character take to practising as vakeels. A carefully-framed scale of fees payable to revenue agents would be a great boon. The Board observe, however, that the scale would only apply to costs awarded to the opposite party under the scale to be laid down, and parties are left at liberty to make their own arrangements with vakeels as regards all other fees.

5. *South Arcot*.—The Collector sees no reason why the Act should not be introduced.

6. *Madura*.—The Collector thinks the Act would be beneficial in all judicial proceedings. But in ordinary matters settled by a Collector under a ryotwari settlement, he is exercising the rights of a proprietor as towards his tenants, and the provisions of Sections 19 and 35, which exclude all but a specially-authorized class of men from appearing before him, would constitute an artificial barrier between the State and its tenants, which would be objectionable.

7. *Coimbatore*.—The Collector has not experienced any inconvenience from the presence of uncertificated vakeels. Revenue cases under Regulation VI. of 1831 are simple, and Act VIII. of 1865 is not much used in the district. Men can and do

SOUTH ARCOT.

No. 169

COLLECTOR'S OFFICE.

And dated
23rd April 1875.

1361/2
3

From

H. C. Stokes Esquire
Collector of South Arcot.

To

H. C. Stokes Esquire
Acting Secretary to the
Board of Revenue
Madras.

Sir,

*In reply to the Board's
Proceedings of the 14th inst.
stant No. 920 which reached
me yesterday, I have the
honour to state that after
perusing the letter of the
Acting Registrar of the High
Court and Act XX of 1865
I see no reason why that en-
actment should not be
extended to this Presidency.
I have the honour to be
Sir
Your most obedient servant
H. C. Stokes
Collector*

plead their own causes. The change will really operate only to exclude uncerti-
ficated men from Magistrates' Courts, as such men are already excluded from
Civil Courts and from Courts of Session. He can recall no instance of impropriety
by uncertificated men, and on the whole sees no reason for change.

8. The Board are of opinion that there is no practical necessity for the
introduction of the Act as far as the Revenue Department is concerned, and they
are averse to its being brought into force. The framing of rules and tests and
scales of fees, such as would not cause great inconvenience in the conduct of work
in revenue offices, would be very difficult. The great mass of the work is not of
such a character as to necessitate measures to secure qualifications in the agents
who conduct it; and when matters in which the assistance of trained pleaders
come before Collectors in their judicial capacities, the services of the pleaders in
the Civil Courts are available. The Board are not aware what inconveniences,
which would be remedied by the Act, have been felt in the judicial administration;
but so far as they are aware, judging from the past, it has been found possible to
secure a body of men sufficiently numerous and well qualified for the work of
pleaders.

9. The Act, of course, does not affect the rights of parties to appear in person
in all cases when they may choose.

(A true Copy and Extract.)

H. C. Stokes

To the Officiating Chief Secretary to Government, Judicial Department
with six original reports from Collectors to be returned.

Acting Secretary.

- Copy to the Collector of Nellore.
- " to the Collector of Bellary.
- " to the Collector of North Arcot.
- " to the Collector of South Arcot.
- " to the Collector of Madura.
- " to the Collector of Coimbatore.

Ed. J. W. Fischer.

*Pleaders, Mookhars, and Revenue Agents
Act No. XX of 1865. Reports of certain Col-
lectors as to expediency of extending the pro-
visions of — to the Madras Presidency reviewed, and
submitted to Government with remarks. Opin-
ion expressed that there is no necessity for the
introduction of the Act as far as the Revenue
Department is concerned.*

M.A.Y.
No. 1,295.

Received 24th May 1875

285

Copy to Mr. Stokes

Encl 6/1

PROCEEDINGS, 14TH MAY 1875, No. 1,295.

MADRAS.

Board of Revenue,

1875.

Private Secretary

Copy to Mr. Stokes

Hellore Collector's Office
Camp Mistupalam
24th April 1857

To, F. E. Stokes Esq^r
Acting Secretary to the
Board of Revenue
Madras.

Address: _____
 Sir, I have the honor to acknowledge
 the receipt, this day, of Proceedings of
 Board, dated 14th Instant, No. 920.

2. I have read over Act ~~XX~~ of 1865.
It is not called for as far as Revenue
matters are concerned in this district.

3. No one, I should expect, would qualify or enrol himself as a Revenue Agent.

4. Our business would go on under the saving provisions of Section 35. If passed, I think the existence of the Act. would soon be entirely forgotten in the Revenue Department.

I have the honor to say
Yours most obedient servant.

Alvan Lewis
Deputy Collector
for Collector

R

1875
SOUTH ARCO.
From
The Collector of

To
South Arcot.
The Secretary to the
Board of Revenue

Dated 23rd April 1875.
Received of J. H. [Signature]

No. 169

Subject.

Notes of the

was never before
the formation
of Feb 25th of 1865
before I met the
extended to
the Academy

876-274

P. Roberts & Co
Cotton -
No 100 1/2

in numerous other matters coming
before him daily he is seeing that
the right of propriety right in the
land which Government still
possesses under the existing law.
Before doing such business no
person should be specially authorized
to practice & no one should be pre-
vented from appearing; there should
be no artificial barriers between
the tenant and his landlord.
No other objection likely to be
useful occurs to me at this mo-
ment but the time given for
consideration is very brief although
the question now raised has been
in a degree for some years.

I have the honor to be
Sir

Yours most obedient servant

Wm. Lubbe
Esq. Director

No. 203-

North Arcot, Collector's Office,

Calcutta 24 April 1875.

From,

W. S. WHITESIDE ESQUIRE,

Collector of North Arcot.

To,

A. C. Stokes Esquire,
By Secretary to the
Board of Revenue
Madras

Sir,

With reference to Board's Proceed-
ings dated 14 Instant, No 920, received
yesterday, I have the honor to report that
I am of opinion that it is very desirable
that the provisions of Act XX of 1865 (the
Pleadings, Proclamations and Revenue Agents
Act) should be extended to this Presidency.

In the absence of such a law, no
legal objection can, at present, be taken
to the admission to Revenue Offices of the
most stupid person who chooses to
style himself a Sahib, even though he
possesses no knowledge whatever of
the rules and Regulations of the Depart-
ment. In like manner, it is impos-
sible to prevent men who have been

1875
W. S. Whiteside
Collector of North Arcot
Madras
24 April 1875
No 920
A. C. Stokes Esquire
By Secretary to the
Board of Revenue
Madras
in regard to the
introduction of the
provisions of Act
XX of 1865 into this
Presidency
A. C. Stokes Esquire
By Secretary to the
Board of Revenue
Madras

dismissed from the Public Service for
misconduct practising as Solicitor, and in
that guise plundering their ignorant
clients. I am aware that at the present
moment a dismissed Clerk of my office
acts as agent in many cases, & even
cases that come before me for settlement.
I should therefore view with satisfaction
the introduction of his Act.

3. I think that a carefully considered
scale of fees to be paid by Revenue
customs to their agents will also be a very
great boon.

I have the honor to be,

Sir,

Yours most obedt Servant,

C. Whitelaw

Collector

To the Secy Secretary to the
Board of Revenue
Calcutta

Post dated
Calcutta
24 April/75

135/2
12

BELLARY COLLECTOR'S OFFICE

No. 134

Bellary
Dated 27 April

1875

From,

THE COLLECTOR OF
BELLARY.

To,

The Secretary to the Board of Revenue
Maoras

Sir,

I have the honor to acknowledge the receipt on the 23rd Instant, of the Board's Proceedings No. 920 dated the 14th Instant, requiring a report as to the proposal to extend the Provisions of the Revenue Agents Act No. of 1865 to this Presidency.

2. At three out of the four Divisional Head Quarters in this district, District Munsifs Courts are located and the Pleaders attached thereto, have always been available to act as Agents or Vakils in Revenue Courts.

3. No doubt the extension of the Act

[Signature]
THE COLLECTOR OF
North Arcot.

To,
The Secretary to the
Board of Revenue

Dated 24 April 1875

Registered 26

Received

[Signature]
No. 203

INDEXED. 2000

[Signature]
Super.

State that the former

of Act No. of 1865

the Madras Revenue

and Revenue Agents

Act 1 should be extended

to the Presidency

P. A. G. G. G. G.

to the Secretary to the Board of Revenue

to this Presidency, would improve the status of
these Pleaders and so far the Revenue Courts
would benefit by parties being able to secure
the services of superior men, but I would
deprecate the appointment of any separate
class of men as Revenue Agents. I am
afraid litigation would be fostered and the
number of suits at present filed would not
be sufficient to afford maintenance to a
body of men even if an Agency were
obtained in each case.

4. In many suits however the parties
themselves appear and do not wish for help;
the procedure of the Court is simple and they
try to escape the heavy costs incidental upon
the employment of a Sarkul.

I have the honor to be,
Sir,

Yours most obedient servant,
W. Master
Collector

52/12
7/25

Ly. 1875

REVENUE DEPARTMENT

REVENUE COLLECTOR'S OFFICE

Dated 27 April 1875 No. 134

To,

The Secy. to the

Board of Revenue

Madras

Enclosure.

Received

27/4

Reporting in regard

to the introduction of

the Revenue Bill

XX 1875

certified

P. S. S. S. S.

Very truly

Yours faithfully

1-5-75

No. 118

Coinbatore Collector's office
28th April 1875

From

A. Wedderburn Esquire.

Collector of Coinbatore.

To

H. E. Stokes Esquire.

Ag. Secretary to the Board of Revenue,

Madras.

Sir,

In reply to Proceedings Board of Revenue dated 14th April 1875 no 920, received 22nd April 1875, requiring a report within a week, on the subject of introducing Act 20 of 1865 into the Madras Presidency. I have the honor to state that in the Revenue Department, I have not experienced any inconvenience from the presence of uncertificated Wakils.

2. The facts have generally been so simple, and to be gathered from official documents, that there was little need of skilled argument, or

oratory - These were suits under Regulation 6 of 1831 -

3. The rent recovery Act, no 8 of 1865 is not much had recourse to in this district, - puttah disputes, and matters about land, are generally settled by official reports -

4. Thus in the Revenue Department, there was no great scope for the development of pleaders - licensed, or unlicensed -

5. I cannot therefore adduce instances of damage to clients, or other improprieties, arising from an absence of legislation on this subject - In the east, every man, and woman too, can plead their own cause, vide life and letters of Sir Thomas Munro -

6. With reference to the question of limiting the conduct of cases in the Magisterial Department to certificated

pleaders - the information which has led the High Court to reconsider their former expressed opinion, is not before me -

7. At present before Civil and Sessions Courts, likewise District Moonsiffs and Sub Judges, only certificated Vakeels can appear - The change now to be made, seems therefore to apply only to pleaders or vakeels and Revenue Agents before Magisterial and Revenue Courts, wherein at present, any one may appear to conduct a case -

8. I cannot call to recollection any instance of impropriety by unlicensed vakeels, or Agents, before me as Collector or Magistrate in this District, which would have led me to apply for the introduction of the Pleaders v. Act -

I have the honor to be
 Your most ^{truly} obedt servant

Heckel
 Collector.

No. 749.

From J. Weir Esquire,
Acting Registrar of the
High Court of Judicature at
Madras.

1871-2
14

To
The Honorable W. A. Audleston,
Chief Secretary
to Government.
Honorable Sir,

I am instructed to address
Government on the question of the
expediency of extending the provisions
of Act XX of 1865 (the Pleaders, Bank-
leas and Revenue Agents Act) to
the Madras Presidency.

A period of ten years has now elapsed since the High Court were asked by Government (Proceedings of Government dated 14th March 1865 No. 396) to express their opinions on the Bill (to amend the Law relating to

14/5

1795-5-12
 Dear Sir
 I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the Board of Prisoners.
 Yours truly
 J. W. W.

March 28th } April
1867 }
L. H. S. }
Chas. H. S.
Suffering his grain and
on the subject of water
during Oct 20 of 1865
with the American Press.
- during -
W.

P. Hart. & Co.
Leeds
22 May 1895
J. H. G. G. G.

Pleadings and Moot Courts) which was subsequently passed as Act XX of 1865.

At that time a majority of the Court was of opinion that the extension of the legislation then contemplated to the Madras Presidency was not required. The reasons for that opinion were stated in the Registrar's letter dated 1st April 1865.

Recent experience has led the Judges to question the force of some at least of the reasons assigned in 1865 for not introducing the Pleading enactments of that year into the Madras Presidency.

The power more particularly of appointing, suspending and dismissing Pleaders which is under existing rules uncertain and ill defined is well provided for by the Act which contains also a convenient procedure for the investigation of charges of misconduct.

13th 2/15 2.
The objection urged in 1865 against disturbing the then recently introduced Examination Rules has by lapse of time lost much of its force. The Pleadings Act has now been in force for some years in other Presidencies and the High Court have no reason to believe that in those Presidencies its operation has been very beneficial.

After the difficulties incidental to the introduction of an extensive change have been overcome, the High Court have little doubt that the Act will operate beneficially in Madras. I am accordingly instructed to request that Government may be moved to issue a Notification under Section 47 of Act XX of 1865, extending the provision of the Act from a date hereafter to be fixed to the territories subject to the Governor in Council of Fort St. George.

As it is desirable to give ample notice to all concerned of

the change in the law, I am to
suggest that the date to be fixed
for the introduction of the Act
should be a date not earlier than
the 1st July.

The rules and arrangements
required by the Act will also take
some little time to mature.

High Court of } I have the honor to be
Indicature, Madras } Honorable Sir
2^d April 1875 } Your most obedient servant.

Edw

Acting Registrar,

Assaulted Side.

158/7 Judicial Dept-5
 Read the following -
 from High Court 2/22 April 75. No 1295
 The B.L. Prop. 14/5/75. No 1295
 Att. Command. 7 June 1875. No 13015

The H. Inf. agrees into the Vol. of
 Revenue tent, as far as the Rev
 Dept is concerned, the introduction
 of the Act is to be deferred. ~~For~~
~~the people~~ And here
 it appears to be no power to introduce
 a portion of it only into this Presy.
 (Sec XLVII); if extended to these
 territories it must be as a whole.
 2. The High Court will be requested to
 consider whether an amendment of
 Ord. XII of 1866 will not meet the
 inconveniences mentioned in paras
 of their letters of 22 April last recorded
in Prop. before the H. C. & a copy; and what
 in that case they will propose to enact.
 D. 26/5/75.

See Sec 15.
 when the Court is
 the Court of Rev.

158/7

158/7

Honble Judges of the High Court }
 Board of Revenue } Despd 19/6

158/7
 12 June 1875
 14 July 1875
 14 July 1875
 14 July 1875

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 14 July 1875

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 12 June 1875
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 14 July 1875
 14 July 1875

Received
 Entered 10/10/75

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By Secretary
 11/11/75

Pleaders Act

Imperial XX
1875.

6

Judicial Department

19/6
1875
1875
1875

N^o 1302

1301-2
19

The Honble Sir Walter Morgan Kt.
Chief Justice of the High Court
of Judicature at Madras.

Honble Sir:

Referring to the
Ag. Registrar, Mr
Wier's letter dated the
2nd April 1875, No 749.
I am directed to enclose
copy of the Proceedings
of Govt marginally noted,
and to request that the
Honble the Judges of
the High Court will
consider whether any
amendment of Regulation
XIV of 1816 would not
meet

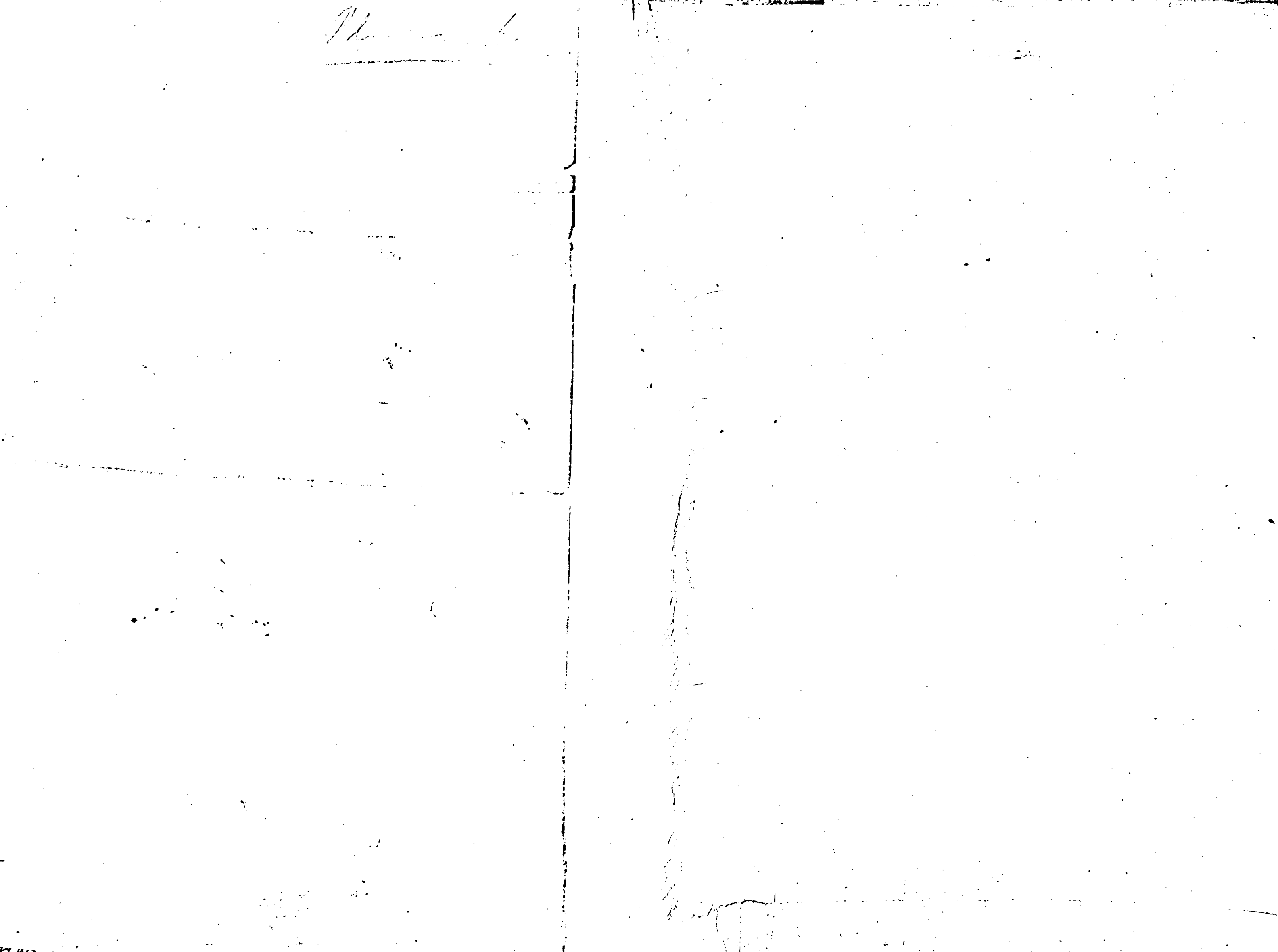
7 June 1875 No 34-36

v

5/1/12

Ch. H. 5/6/75.

Phonetic



COPIES OF 1879 EDITION

and others

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Introduction: The first
part of the work, with regard
to the present position
of the law and the
principles of the
constitution as regards
the rights of the
individuals, etc.
The second part of the
work, with regard to the
rights of the
individuals, etc.

for convenience of
descendants and
the uniformity
and freedom
of movement of
the individual.

1866. of 1875. 20th

And

1815. No. 1301

ME 34-7

[illegible]