

1. Number of pages.
2. Date of receipt.
3. Initials of Reference.

M.R.O. 1-22,400-29-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 3094 Press
~~Mis.~~

Dated 5 - 12 - 1879

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

5th December 1879, No. 3094.

Vakils.

Read the following paper :—

No. 15. *Proceedings of the Board of Revenue, dated 17th October 1879, No. 2949.*

ABSTRACT.—Recommending that the proposal of the Collector of Madura to allow Vakils of District Munsifs' Courts a minimum fee of Rs. 2 in all cases other than suits fully investigated and decided be sanctioned, and suggesting that the Judges of the High Court be addressed in view to the necessary instructions being issued to the Lower Courts to allow reasonable time for opposing applications to sue *in forma pauperis*.

Transferred to the Judicial Department.

FORT ST. GEORGE,
7th November 1879.

(Signed) J. H. GARSTIN,
Ag. Secy. to Govt., Rev. Dept.

No. 16. ORDER THEREON, 5th December 1879, No. 3094.

His Grace the Governor in Council is pleased to fix Rs. 2 as the minimum fee payable to Vakils for appearing on behalf of Government or the Court of Wards in all miscellaneous cases.

2. It is observed that the suggestions of the Board of Revenue in regard to the course to be pursued by Collectors on receiving notices under Section 408 of the Code of Civil Procedure have been anticipated by Government in G.O., dated 30th September 1879, No. 2526, a copy of which was communicated to the Revenue Department.

3. The Honorable the Judges of the High Court will be requested to instruct all the Courts subordinate to them to allow a reasonable time to Collectors in notices under Section 408 of the Code of Civil Procedure in order that the expense and inconvenience caused by adjournments may be avoided.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the Honorable the Judges of the High Court,
with Board's Proceedings, No. 2949.
„ the Board of Revenue.
„ all Collectors.

Exd. S. T. Austin.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

8th March 1880, No. 565 W.

General.
Establishment.

Read the following papers :—

No. 31. Proceedings of the Madras Government in the Judicial Department, dated 5th March 1880, No. 505.

Read the following official memorandum from the Public Works Department, dated 27th January 1880, No. 295.

COPIES of G.O., dated 25th October 1878, No. 2,176, and 5th December 1879, No. 3,094, which contain instructions as to the course to be pursued by Collectors in employing Vakils on behalf of Government and paying them, will be communicated to the Public Works Department.

2. The proper fee in the case under reference is Rs. 8-1-7.

(True Extract.)

(Signed) A. L. V. RAMANA,
Ag. Asst. Secretary.

To the Public Works Department, (with papers and the G.Os., quoted.)

No. 31-A. From J. W. RUNDALL, Esq., Acting Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Kuttalai, 24th January 1880, No. 1,297 T.N.

With reference to G.O., No. 2,208-A W., of the 25th August last, I have the honor to report that the suit against Mr. F. Watkins, Supervisor, by one Subramania Asari, the defence of which at the public expense was sanctioned in above Government Order was dismissed with costs against the plaintiff by the Subordinate Court of Tinnevely.

2. In reporting this the Vakil employed by Mr. Watkins claims a fee of Rs. 30 for his services in defending the suit, and states that the amount of fee to be awarded by the Court will not amount to this sum. The fee asked by this Pleader seems very high considering the amount involved was only Rs. 162.

3. In former days, when a Government Pleader was employed at each Court, only expenses were disbursed, now that there are no Government Pleaders I think some instructions as to the amount of fees allowable are necessary, and shall feel obliged by being furnished with them.

No. 32. ORDER THEREON, 8th March 1880, No. 565 W.

COMMUNICATED to the Superintending Engineer, Fifth Circle.

2. Judicial Department Proceedings of 25th October 1878 and 5th December 1879, Nos. 2,176 and 3,094, will be reprinted for the information and guidance of all officers of the department.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, Fifth Circle.

„ all Officers of the Department.
„ the Secretary to the Code Committee.

Exd. S. T. Austin.

Spare Copies

Govt. of 1879

JUDICIAL.

To THE HONORABLE THE JUDGES OF
THE HIGH COURT,
&c., &c., &c.

Dated December, 5th.

Issued

Recd.

Fwd.

G.O., 5th December 1879, No. 3094.

DECEMBER.
Nos. 15-16.

Vakils.—Rs. 2 fixed as the minimum fee payable to Vakils for appearing on behalf of Government or the Court of Wards in all miscellaneous cases. The Honorable the Judges of the High Court requested to instruct all the Courts subordinate to them to allow a reasonable time to Collectors in notices under Section 408 of the Code of Civil Procedure.

GENERAL
ESTABLISHMENT.

Govt. of (1880) Madras.
PUBLIC WORKS.

To

THE SUPERINTENDING ENGINEER,
FIFTH CIRCLE.

&c., &c., &c.

Dated March, 8th.

Issued

Recd.

Encl.

G. O., 8th March 1880, No. 503 W.

MARCH.
Nos. 31-32.

Minimum fee payable to Vakils for appearing on behalf of Government.—Proceedings of Judicial Department stating the proper fee to be paid for conducting a suit in the Fifth Circle communicated to the Superintending Engineer, and two other Proceedings of the same Department, fixing the same, reprinted for the information and guidance of all officers of the department.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

25th October 1878, No. 2176.

Pleaders.

Read the following paper:—

No. 112. *Proceedings of the Board of Revenue, dated 13th September 1878, No. 2526.*

Read the following papers:—

Proceedings of the Madras Government, dated 12th August 1878, No. 1286, Revenue Department.

ABSTRACT.—Suit No. 4 of 1877 filed in the District Court of Vizagapatam by the adopted son of the late Proprietor of Siripuram Estate to obtain registration of the Estate in his name.—Passing orders on Proceedings of the Board of Revenue regarding the costs payable by the Collector in —.

From J. F. PRICE, Esq., Acting Collector of the Chingleput District, to the Acting Secretary to the Board of Revenue, dated Conjeeveram, 8th August 1878, No. 133.

I have the honor to submit the following matter for the instructions of the Board of Revenue.

2. The late Government Pleader in the District Court of Chingleput, who has recently died, received from Government a monthly fee of Rs. 21 in consideration of which he transacted, without fee, all miscellaneous business on account of his employers both in the District Court and the District Munsif's Court at Chingleput.

3. The office of Government Pleader or Vakil in Mofussil Courts has been abolished by Act II of 1867 (Madras); and, on a reference which I made when Acting Collector of Cuddapah, Government ruled that the post having been abolished I was to employ such Vakil as I saw fit in each case.

4. I have accordingly arranged with Govinda Charlu, the Government Prosecuting Vakil in the Sessions Court, who is, in my opinion, the best, taking him in all points, in the Court over which I formerly presided, that so long as he gives me satisfaction he shall have the Government civil business in addition to the criminal. It is obviously by no means desirable to one day employ one man and one day another, as our work would never be worth having and would be carelessly done, to say nothing of the advantage to be gained by having at disposal the services of a Vakil who is acquainted with all that concerns Government going on in the Court, and who will be prepared to give the Collector information of anything which may transpire in which it may be desirable that he should move.

5. The question of fees has to be settled.

6. According to the usual practice, the lowest recognised charge made by a Vakil of the District Court for any motion, petition, or application is Rs. 5, and for advising on any petty matter the same.

7. Govinda Charlu has now proposed to compound all fees, excepting those regularly assigned to Vakils by the Court and recoverable from the opposite party, for a payment of the fee formerly given to the Government Pleader, and for this he

undertakes to do all Government business in the District Munsif's Court at Chingleput and in that of the District Judge.

8. I think the proposal a fair one. There are certainly quite fifty occasions, if not considerably more, during the course of the year in which the Vakil employed by Government has to transact business for them, and if he was paid Rs. 5 per case the charges for law expenses during the year would be probably more than if fees were compounded for at the rate of Rs. 21 a-month.

9. On this ground, and on the consideration that it is advisable to have in the District Court a Vakil who by a regular salary is bound to watch for anything affecting the interests of Government, I would recommend that Govinda Charlu's offer should be accepted.

10. If the Board are pleased to accept my suggestion, I beg that sanction may be accorded for the monthly payment of the sum mentioned.

From W. DONALD, Esq., Officiating Deputy Accountant-General, to the Acting Secretary to the Board of Revenue, dated Fort St. George, 9th September 1878, No. I.A.F.-16.

With reference to your official memorandum, No. 1067, dated 2nd September 1878, I have the honor to state that Government Pleaders on Rs. 21 a-month are retained in all the districts except those noted in the margin. In Tanjore two and in Malabar three are retained. One of the three in Malabar is paid only Rs. 15.

2. In Ganjam and Cuddapah no Pleaders were employed for the last two years; and in North Arcot the charge ceased only from April last, but no order of Government is traceable abolishing the appointment in these districts.

The Collector of Vizagapatam will be called upon to furnish the explanation required by Government.

2. It seems desirable that some definite rule should be laid down as to whether a Vakil should be retained in each district to conduct all legal business on behalf of Government and as to the remuneration to be paid to him. By G.O., dated 1st September 1866, it was decided that one of the enrolled Pleaders of the Chief Court of each district should be nominated by the Collector and appointed by Government during their pleasure. A retaining fee of Rs. 21 per mensem has hitherto been paid, besides special fees in particular civil cases, a minimum of Rs. 5 per case being fixed by G.O., dated 5th September 1868, No. 2,328. It appears, however, to have been decided in G.O., dated 11th July 1877, No. 1,634 (not communicated to the Board or to Collectors generally), that, as there is no longer any statutory provision for a Government Pleader, there is no necessity for continuing the appointment, a Pleader being selected by the Collector as occasion for his services may arise. The Board find on reference to the Accountant-General that Government Pleaders on Rs. 21 a-month are retained in all districts except Ganjam, Vizagapatam, Cuddapah, and North Arcot; that in Tanjore there are two and in Malabar three, one being paid only Rs. 15. The Collector of Chingleput points out the advantages of securing the services of a Vakil, as a permanent arrangement, to conduct all the Government civil business, and the same view appears to have been entertained when the subject was under discussion in 1866. The Board are decidedly of opinion that Collectors should be authorized to engage a Pleader in each District Court for the conduct of all miscellaneous legal business on behalf of Government, such as filing petitions, making motions for adjournments, advising the Collector on matters of procedure connected with suits, &c., on payment of a monthly fee, though it is not considered advisable to constitute the office of Government Pleader by formal appointment.

3. As regards the remuneration to be given for appearance in regular suits, it seems to have been the practice hitherto to pay the regulated fees according to the scale

laid down in Regulation XIV of 1816 invariably, and in a recent case which came before them the Board took the view that as the Board's Proceedings, dated 24th July 1877, Government Pleader has to appear in all cases to which Government is a party, whatever their nature and the amount of trouble involved, the arrangement was fair, and that as it obviated the necessity for bargaining it was preferable to the settlement of special terms in each separate case on the score of simplicity. It is true that in some cases, as in that which has been brought to notice from Vizagapatam, the payment of a sum out of all proportion to the actual trouble incurred in the particular suit may be entailed, but the average remuneration may nevertheless not be excessive; the Board cannot say how far this is the case, but they doubt whether any saving will be effected by settlement of terms on each occasion of the employment of a Vakil.

4. The Board think that where a Vakil has to plead, to examine witnesses, and to watch the case on behalf of Government, which can only happen when Government is actively interested in the issue, the fees payable should be according to the scale prescribed in Section 25, Regulation XIV of 1816, but that where the duty to be performed, as in the case under notice, is of a trifling nature and makes but a slight demand on the Vakil's time and professional attainments, special arrangements should be made. It is desirable that the rates of remuneration should be approximately the same in every district, and Collectors might be authorised to settle what should be paid according to the nature of the service within a maximum of Rs. 150 in all cases where the regulated fee would be disproportionate, the present minimum of Rs. 5 being preserved. For miscellaneous business the Board would retain a Vakil specially on payment of a fixed monthly salary as heretofore; if it was understood that he would as a rule be entrusted with the conduct of all the regular suits to which Government might be a party, the fee of Rs. 21 per mensem hitherto allowed would probably be sufficient inducement to undertake the work.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

Transferred to the Judicial Department.

OOTACAMUND,
27th September 1878.

(Signed) LORNE A. CAMPBELL,
Under Secy. to Govt., Rev. Dept.

No. 113. ORDER THEREON, 25th October 1878, No. 2176.

The Government see no necessity to maintain a Pleader in each District Court (where litigation is seldom or never initiated) at a monthly cost of 21 rupees for each Court. They prefer that the Collector should employ a Vakil *pro re nata*; the same Vakil would do as long as he gives satisfaction; he would get the regulated fees, with 5 rupees as a minimum in each case. The existing Pleaders will shortly be abolished.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the Board of Revenue.
" all District Judges.
" the Revenue Department.
" the Government Pleader.
" the Accountant-General.

Exd. S. T. Austin.

No. 2,949.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th October 1879.

Read the following letters:—

From H. J. STOKES, Esq., Collector of Madura, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated 11th August 1879, No. 355.

With reference to Board's Proceedings, No. 4,891, dated 1st November 1877, I have the honor to submit, for Board's consideration and orders, a letter from Mr. Hickey, a Pleader in the Dindigul Munsif's Court.

2. Mr. Hickey has been engaged in all suits coming before the District Munsif of Dindigul in which the Collector has been a party in the interest of Government or of the Minors' Estates under the Court of Wards; and he has also presented applications for execution of decrees, &c., in such cases. He is not remunerated by any fixed salary but by fees in each particular case. For his miscellaneous services a very inadequate sum is very often awarded in Courts, in certain cases so low as one anna. I would therefore suggest that except in cases of suits fully investigated and decided a minimum fee of Rs. 2 be paid in all cases.

From A. CRUICKSHANK, Esq., Collector of South Arcot, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Cuddalore, 12th September 1879, No. 344.

I HAVE the honor to request that the Board will be good enough to inform me what fees should be paid to Vakils employed in opposing applications presented by parties in the Civil Courts for permission to sue as paupers.

2. The procedure followed by me in opposing such applications is as follows:—As soon as I receive a notice of the date of hearing of such applications from the Court to which they are presented, a Vakil of that Court (all the notices received up to date have been from Courts of District Munsifs) is authorised to appear on behalf of Government and the Tahsildar of the taluk is directed to make inquiry as to whether the applicant is possessed of any property and report the result to the Vakil. In cases in which the information required has to be obtained from other districts, the Collectors of those districts are addressed. If the requisite information cannot be procured before the day of hearing the Vakil applies to the Court for an adjournment, and appears again on behalf of Government on the day of adjourned hearing. After the Court has given its final order on the application he reports to me what order was passed by it. In cases in which the Tahsildar finds that the applicant is possessed of no property, the Vakil's work consists in simply stating to the Court that there is no objection on the part of Government to the grant of the application.

3. One of the Vakils of the District Munsif's Court of Chilambaram, who was engaged to oppose seventeen of these applications, has sent in a bill for Rs. 95 at Rs. 5 for each case admitted and at 10 for each case rejected.

4. No costs have been awarded to Government by the Court in any of these cases. In two of them no costs are claimable, as the applications were rejected and as Section 413 of the Code empowers Courts to levy such costs from the parties concerned only when they choose to bring an ordinary suit afterwards. In the other fifteen cases, in which the applications were complied with, the costs are awardable only when the judgment is given, that is after the suits are fully heard, which may take a long time.

5. No claim for fees has yet been received from any of the Vakils of the other Courts engaged for such cases.

Colt. of 1878

JUDICIAL.

THE BOARD OF REVENUE,

Secy, Secy, Secy,

Dated October, 25th.

Issued

Recd.

Recd.

G.O., 25th October 1878, No. 2176.

OCTOBER.

Nos. 112-113.

Pleaders.—The Revenue Board's suggestion to maintain a Pleader in each District Court to conduct all legal business in behalf of Government, not approved of.

From J. F. PRICE, Esq., Collector of the Chingleput District, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Saidapet, 1st October 1879, No. 673.

SECTION 408 of the New Civil Procedure Code (Act X of 1877) requires Civil Courts to give notice to the Government Pleader whenever applications are preferred to them for leave to sue *in forma pauperis*, and since the abolition of the office of Government Pleader these notices are being sent to me by the several Munsifs' Courts in the district.

2. As the object of the notice is to give the officers of Government an opportunity of ascertaining whether the applicant is really a pauper and, if necessary, of adducing evidence in disproof of his alleged pauperism, it invariably becomes necessary in such cases to ask for an adjournment to admit of the necessary inquiries being made through the Tahsildars, whilst in some cases it also becomes necessary to dispute the applicant's eligibility to sue as a pauper.

3. For these reasons a Vakil has always been employed in all such cases, and the question has now arisen as to how the Vakil is to be remunerated.

4. G.O., No. 2,176, of the 25th October 1878, authorises me to pay the Vakil the regulated fees with Rs. 5 as a minimum in each case; but I am doubtful whether miscellaneous applications of this nature can be regarded as 'cases' within the meaning of the abovementioned Government Order, and whether I am bound to pay a fee of Rs. 5 in each of such cases, even when the regulated fees fall short of this sum.

5. I learn that the Courts generally award one-fourth of the regular fees in miscellaneous applications and consider that it will be quite sufficient to pay a similar fee to Vakils in the Munsifs' Courts for representing Government in pauper applications.

6. Vakils in District Courts never accept a fee of less than Rs. 5 and in their case the terms of the Government Order may be followed.

7. I have, therefore, the honor to request the favor of the Board's instructions as to (1) whether the Government Order under reference authorises the payment of fees in such applications; and (2) whether I am at liberty to pay a fee of less than Rs. 5 to Munsifs' Court Vakils in such cases whenever I consider that sum too high.

8. Should the Board be of opinion that Rupees 5 should be the minimum even in such cases, I would recommend the payment of a small salary—say Rs. 10 a month—to a Government Vakil in each Munsif's Court, as this course will prove more economical and secure better work for Government.

SUBMITTED for the orders of Government.

2. On a representation that Vakils' fees at the rate of 5 per cent. on the value of the suit is inadequate remuneration in suits of small value in District Munsifs' Courts, Government in their Order, dated 5th September 1868, No. 2,328, sanctioned the Board's proposal to fix a minimum fee of Rs. 5 for conducting a suit on behalf of Government. In their Proceedings, dated 1st November 1877, No. 4,891, the Board held that the minimum fee of Rs. 5 is payable only for suits fully investigated and decided.

3. In reference to a complaint of a Pleader of a District Munsif's Court as to the inadequacy of the fees awarded by the Court for work of a miscellaneous nature, that in some cases so small as one anna, the Collector of Madura recommends that in cases other than suits fully investigated and decided a minimum fee of Rs. 2 be allowed.

4. The Collectors of South Arcot and Chingleput ask for instructions as to the remuneration to be paid to Vakils of District Munsifs' Courts for work done in connection with applications to sue *in forma pauperis*.

5. It is observed that G.O., dated 25th October 1878, No. 2,176, Judicial Department, provides for payment of a minimum fee of Rs. 5 which it is presumed is payable not only for regular suits but for all work of a miscellaneous nature, such

as applications relating to pauper suits, execution of decrees, &c. As this order refers only to Vakils of the District Courts the Board recommend that the proposal of the Collector of Madura to allow Vakils of District Munsifs' Courts a minimum fee of Rs. 2 in all cases other than suits fully investigated and decided, for which a minimum of Rs. 5 is payable, be sanctioned.

6. It appears that in the notices issued to Collectors under Section 408, Civil Procedure Code, the time allowed for opposing applications to sue as paupers is so short that an adjournment has to be applied for in all cases, but on inquiry it is found that there are good grounds for opposing the application in a few cases only. If the Courts in the original notice allowed a reasonable time, say a month (the time mentioned in Section 408 is "at least ten days") the necessity of paying Vakils for simply applying for adjournments would be obviated. The Board, therefore, suggest that the Judges of the High Court be addressed in view to the necessary instructions being issued to the Lower Courts.

(True Copies and Extract.)


Acting Secretary.

To the Secretary to Government, Revenue Department,
with copy of enclosure and of Board's Proceedings,
dated 1st November 1877, No. 4,891.

Copy to the Collector of Chingleput.
" " " of South Arcot.
" " " of Madura, with original enclosure returned.

Exd. C. Howarth.

5/12

Respect Sir, Please see reply from the

Applicant - You have

Please call the Court
Surg with reference to
the pencil instructions
noted in the
Proc, whether they
not applying to
do come the same
Main Collector.

27

25/10/1888 No 21764
Go to - 11-78 w. 27224
- 5-9-68- 75-76.

27/11

Indisposed
November 1883

28/11/83

Indisposed to the Judicial Department
J. W. Smith
As Secretary to Govt. of M.

Indisposed
25/10/1888 No 21764
Go to - 11-78 w. 27224
- 5-9-68- 75-76.

1879. No 8144.
Board of Revenue,
MADRAS.

THE SECRETARY TO GOVT.,
REVENUE DEPARTMENT.

Dated October 17th.

Printed

Received
Dec-11-27. 1883/84
PROCEEDINGS, 17TH OCTOBER 1879, No. 2,949.

Oct 15/11/79
OCTOBER
No. 2,949.

Table of District Munsif's Courts.—Recom-
mending that the proposal of the Collector of
Madura to allow—a minimum fee of Rs. 2 in
all cases other than suits fully investigated and
decided be sanctioned, and suggesting that the
Judges of the High Court be addressed in
view to the necessary instructions being issued
to the Lower Courts to allow reasonable time
for opposing applications to sue in forma pau-
peris.

Madras

Copy 6/10/79

No 144

Brindley
15 July 1879.

To The Collector of Madras

From

George

Plender Brindley

With reference to your letter No. 2266 and
socket No. 2279, dated 4th and 5th instant
respectively I have the honor to state
that in accordance with your instructions
therein contained I have submitted Papers Serial
Nos. twelve and pie seven (No 7-12-7) to

by the Court for executing the said decrees
out of the fine (5) Rupees deducted by me
on account of fees from the amount
recovered through the Court from the
Plaintiff in the said suits. Enclosed are
the Treasury Officer's Receipts for the same.

+ Enc. I
+ II

I have no objections in attending to all
your requests regarding the conduct of suits
in which Government is a party and
conduct the same and execute decrees
&c &c for the fees allowed by the Court,
if I were receiving a monthly salary,
but as I do not, it is very hard that I
should attend to all your instructions

13B.

such cases for it does not pay me under-
taking work for such paltry fees. 15A

3. In your letter No 2266 under reply you wish
me to move the Court to attach the property
awarded to the Plaintiff in P.O. No 624 of
1878, and No 104 of 1879; this is a fresh piece
of work which I have no objections in
doing, but the Court will not grant it
fresh fee the fee being only (12) Twelve
annas; do you expect me to undertake it
for such a trifling? I leave it entirely
to you to state whether you consider
Twelve (12) annas an adequate remuneration
for such services.

5. According to instructions contained in
your packet No 2279 under reply I have
the honor of returning enclosed the
copy of the decree in G.O. No 506 of 1877 + Enc III
and in G.O. No 36 of 1879 returned to me. + Enc IV

of the Court on my request
I have the honor to return
to you the original
pleader
the copy

Acting Secretary

17
No. 4,891.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 1st November 1877.

Read the following letter from W. S. FOSTER, Esq., Collector of the Godavery District, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Cocanada, 11th October 1877, No. 283:—

In the G.O., dated 5th September 1868, No. 2,328, communicated with the Board's Proceedings, No. 6,549 of 14th idem, a minimum fee of Rupees 5 is sanctioned to be paid to Vakeels for conducting suits in the Munsifs' Courts on behalf of Government, in cases in which the fee payable according to law is less than that sum.

2. Some of the Vakeels, who conducted suits on behalf of Government in District Munsifs' Courts, have asked for the payment of the 5 Rupees fee under the spirit of the above order in all suits without distinction whether decided on merits, compromised, withdrawn or dismissed on default of appearance of parties.

3. The practice hitherto obtaining in this district is that the payment of Rupees 5 is made to Vakeels only in suits fully investigated and decided by the Courts.

4. In some suits, which are decided merely on the plaintiff and defendant's statement, and in others in which Razinamas or withdrawals are presented, the Court awards half or one-fourth of the prescribed rate of fee to the Vakeels under Section XXXI, Regulation XIV of 1816.

5. I doubt whether the Government Order in question can be made applicable to all suits, and applications for the execution of decrees, &c., without reference to the amount of the suit or work done by the Vakeels. I request, therefore, the Board's instructions on the subject.

The Board are of opinion that the practice heretofore followed in the Godavery District is in conformity with the intention of the Government Order referred to and should be adhered to.

(A true Copy and Extract.)
(Signed)

H. E. STOKES,
Secretary.

(True Copy.)
(Signed)

M. JORDAN,
First Assistant.

To the Collector of the Godavery District.
Copy to all other Collectors.

Exd. A. Grubert.

From the Board of Revenue, dated 17th Decr 1877
No 2947.

Vakils' Fees

FOR ORDERS.

G. O. dated 5th September 1878
No 2328, fixed the minimum
fee for a Vakils for appearing
on behalf of Govt & 5 Rs.
Mr. Hickey a Madras Vakil
appeared on behalf of Govt
& the Govt of Madras before
the Court of the District
Munsiff of Sundigul
with reference to certain
sub and miscellaneous
proceedings. For such
miscellaneous services
the Court no doubt has
Costs but they are very
small. Low — in some
cases they hardly exceed

1877.
Board of Revenue,
MADRAS.

PROCEEDINGS, 1st NOVEMBER 1877, No. 4,891.

Encl.

Per. Stachy

Recd

NOVEMBER.
No. 4,891.

Suit.—Informing Collector of Godavery that
the practice heretofore followed in the district in
regard to payment of fees to Vakils for con-
ducting — on behalf of Government should be
adhered to.

1 Nov 1877

one anna. The collector
of Madras recommended
that except in cases of
sub fully investigated
a minimum fee of
2Rs be paid in all cases

and letter dated 11/8/79
355

The collector of South Arc
requested the Board to
inform him what fee
should be paid to vakils
employed in opposing
Application. to be in
forma pauperis, and

stated that a Vakil
employed at Chillum
bribe to oppose several
such applications
claimed 500 for each
case admitted + 10Rs
for each case rejected.

The Court awarded no cost
to govt in any of these cases.

12th Sept 79 No 344

18 Oct 79 No 673

and in two of them the whole
the application was rejected
no cost could be claimed.

The collector of Chingle-
put reported to the Board
that he has been employing
a Vakil in each case
which he has had notice,
and requested the Board
to inform him whether
in such cases it was
competent to him to pay
Vakils a fee not exceeding
than 500 or any smaller
amount according to
his discretion and that
if Rs 5 be deemed
to be the minimum
fee in such cases he
would prefer to employ
a Vakil at each In-
suff's court on Rs 10 per
Innsen - on grounds
of economy.

The Board recommended the
proposal of the collector

17th Nov 79
No 2963

1. Suggesting a minimum
fee of 2 Rs for all Miscellaneous
Cases where the fee allowed
by the Court falls short
of the same. May be sanctioned

144

FOR ORDERS.

Under the existing
law the fee allowed in
Miscellaneous ^{Cases} is $\frac{1}{4}$ of
the Regulation fee ^{for suit} and
there is a rule of practice
of the High Court that
such fee shall not ex-
ceed 50 Rs.

The Legal Practitioners
Act 1879 empowers
the High Court to frame
a scale of fees &c. The
High Court have been
asked to state what
portions of the Act
may be extended to
the Presidency. Inquiry
from the previous Cor-
-respondence

87 on the subject there is
every reason to believe
that they would suggest
the introduction of the
Act at least in regard
to the Court subordinate
to them. It will take some
time before the Act is
introduced and unless
are framed thereunder.
The suggestion of the Govt
of Madras may be
sanctioned pending
the extension of the Act
and enactment of the
rules &c.

In regard to the letter
from S. A. C. & Co. & Co.
out the Board of Directors
make certain suggestions
as to the coming to the following
it is submitted that
these have been made
in No 30th Sept 79 No 25th
a copy of which was
communicated to all
Collectors. If the

Instructions conveyed
therein be adhered
to there will be no
difficulty in dealing
with such Cases.

Judicial Department

Vakils' Fees
Pauper Applications

The Board suggest
that the High Court may
be moved to instruct
the Courts to allow reason-
able time for the collection
for opposing pauper
applications, as this
will put an end to ap-
plications for adjourn-
ments & the costs in-
cidental thereto.
It is submitted that
this may be done.
The shortest notice is under
the law 10 days, when
Courts are at some distance
from the collector's head-
quarters or a longer period
will be necessary.

FOR ORDERS.

Just / O. 3094/79

Alko

25/11/79
R4/12

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following :

Proceedings of the Board of Revenue,
dated 17th Oct 79, No 2949

Order 5th Dec 1879 No 3091

In place the former in
Council is pleased to
fix Rs 2 as the minimum
fee payable to vakils for
appearing on behalf of
poor or the Court of wards
in all miscellaneous
cases.

2. It is observed that the
suggestions of the Board
of Revenue in regard
to the Court to be

will be necessary.

To the Hon'ble the Judges of the High Court
Board of Revenue
all Collectors.

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21.4.31
1709

Recd. Receipt
Govt. of 1879, Madras.

To

From
Jude
25-4-13
18.8.14

Dated

Recd.

5th Dec 1879, No. 3094

Nos. 15-16

Vakils Rs 2 fixed as the minimum fee payable to Vakils for appearing on behalf of party or the Court of Wards in all miscellaneous cases. The Hon. the Judges of the High Ct. are requested to instruct all the ~~Cts~~ subordinate to them to allow a reasonable time to follow in notice under Sec. 608 of the Code of Civil Procedure.