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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No.	2457	Press
B.P. No.		Mis.
Dated	29. 11.	18 81.

*Original*Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

29th November 1881, No. 2457.

Acts.

Read the following paper:—

From T. WEIR, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated 17th November 1881, No. 2401 [Current No. 3436].

In their Order, dated 26th August 1881, No. 1762, Government sanctioned the extension of the Legal Practitioners' Act, 1879, to the Madras Presidency with effect from the 1st January 1882, and requested the High Court to furnish a draft of the Rules they would recommend, to regulate the conduct of examinations for ascertaining the qualifications of Pleaders and Mukhtars admitted under Section 6 of the Act.

2. In considering the several matters arising in connection with the introduction of the new enactment, it has come to the notice of the High Court that Madras Regulation XIV of 1816 has been, perhaps, through inadvertence, left unrepealed by Act XVIII of 1879. The former Pleaders' and Mukhtars' Act (Act XX of 1865, repealed by Act XVIII of 1879) contained in Section 48 a provision that, on the introduction of the Act into the territories subject to any Local Government, the provisions of all Regulations inconsistent with or repugnant to it should cease to have effect. The Legal Practitioners' Act (XVIII of 1879) contains no provision of this kind, and the consequence will be that if Act XVIII of 1879 comes into force on the 1st January next and Madras Regulation XIV of 1816 is unrepealed on that date, there will be two enactments on the Statute Book relating to the same matter, and much confusion will be created.

3. To obviate this result it is desirable that steps should be at once taken to repeal Madras Regulation XIV of 1816, and I am accordingly to suggest that the required legislation may be undertaken without delay.

4. In addition to the rules asked for by Government under Section 37 of the Act, the High Court is required to frame rules under Sections 6, 16, and 27 of the Act, to regulate the qualifications to be required from Pleaders and Mukhtars enrolled under the Act, as well as to regulate the fees and remuneration to be allowed to such Pleaders and Mukhtars. These rules are of an important character and will require careful consideration. The pressure of business has, however, of late, been so great that the members of the Court have had little leisure to devote to the subject.

5. In these circumstances, I am respectfully to suggest that it will be desirable to postpone the introduction of the Legal Practitioners' Act to the 1st April 1882, and I am to request that, if His Excellency the Governor in Council approves, steps may be taken by an early date to notify the postponement.

ORDER THEREON, 29th November 1881, No. 2457.

Ordered that this letter with the file of previous correspondence be transferred to the Legislative Department for the necessary action, with reference to the suggestion made by the Honorable the Judges at the close of paragraph 3, and that the following Notification be published.

NOTIFICATION.

In supersession of the intimation made in paragraph 1 of Notification, dated 26th August 1881, the Right Honorable the Governor in Council is pleased to direct that the introduction of the Legal Practitioners' Act, 1879, in this Presidency do take effect from and after the 1st April 1882.

(By Order of the Right Honorable the Governor in Council.)

R. DAVIDSON,
Chief Secretary.

To the Legislative Department, with file.
„ Honorable the Judges, with covering letter.
„ Revenue Department.
„ Board of Revenue.

Govt. of Madras.

JUDICIAL.

To
THE LEGISLATIVE DEPARTMENT,
&c., &c., &c.

Dated November, 1881.

Issued

Filed

G.O., 26th November 1881, No. 2157.

NOVEMBER.

Acts.—Letter from the Registrar, High Court, requesting that steps may be taken to repeal Madras Regulation XIV of 1816, transferred to the Legislative Department for the necessary action; and Notification directing that the introduction of the Legal Practitioners' Act, 1879, in this Presidency, do take effect from and after the 1st April 1882, ordered to be published.

No. 2401
CURRENT No. 3436

From

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

To
The Honorable R. Davidson,
C.S.I.
Chief Secretary to
Government.

Honorable Sir,

In their Order, dated
26th August 1881, No. 1762, Govern-
ment sanctioned the exten-
sion of the Legal Practition-
ers' Act, 1879, to the Madras
Presidency with effect from
the 1st January 1882, and

BY G.O. No.

requested the High Court to
furnish a draft of the
Rules they would recommend
to regulate the conduct
of examinations for as-
certaining the qualifications
of Pleaders and Amh-
tars admitted under Sec-
tion 6 of the Act.

2. In considering the
several matters arising
in connection with the
introduction of the new
enactment, it has come
to the notice of the High
Court that Madras Regulation XIV

of 1846 has been, perhaps,
through inadvertence, left
unrepealed by Act XVIII of
1879. The former Pleaders
and Amhltars' Act (Act
XX of 1865 - repealed by
Act XVIII of 1879) contain-
ed in Section 48 a pro-
-vision that, on the intro-
-duction of the Act into
the territories subject to any
Local Government, the
provisions of all Regula-
-tions inconsistent with
or repugnant to it should
cease to have effect. The

Legal Practitioners' Act
(XVIII of 1879) contains no
provision of this kind
and the consequence will
be that if Act XVIII of
1879 comes into force on
the 1st January next and
Madras Regulation XIV
of 1866 is unrepealed on
that date, there will be
two enactments in the Statute
book relating to the same
matter, and much con-
fusion will be created.
3. To obviate this result it
is desirable that steps

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should be at once taken
to repeal Madras Regu-
lation XIV of 1866, and
I am accordingly to suggest
that the required legis-
lation may be under-
taken without delay.

4. In addition to the
Rules asked for by Govern-
ment under Section 34 of
the Act, the High Court
is required to frame rules
under Sections 6, 16, and 27
of the Act, to regulate the
qualifications to be re-
quired from Pleaders

and Mukhtars enrolled under the Act as well as to regulate the fees and remuneration to be allowed to such Pleaders and Mukhtars. These rules are of an important character and will require careful consideration. The pressure of business has, however, of late, been so great that the members of the Council have had little leisure to devote

to the subject.

5. In these circumstances, I am respectfully to suggest that it will be desirable to postpone the introduction of the Legal Practitioners' Act to the 1st April 1882, and I am to request that, if His Excellency the Governor in Council approves, steps may be taken by an early date to notify the postponement.

Have the knowledge,

Honorable Sir,

Yours Most Obedient Servant,

Ben

Detrig Regesthar,
Appellatke Side.

High Court of Justice
-culture at Maoras,
17 November 1881.

Salp

N. Lakshminarayana
Exm.

Jud. Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From the A. G. Rep. of the
High Court. Madras. of
17 Nov. 1881. No. 2407.
Date 29th Nov. 1881, No. 2457.

Ordered that the letter
be transferred to the
for the necessary action
Leg. Dept. with reference
to the suggestion made
by the Hon. the Judge
at the close of para. 3.
& that the A. G.
advise the published
advise.

In supersession of
the

Judicial 1881 Department

No. 11.
17 NOV 81

From
The Acting Registrar
of the High Court of Madras.
- Calicut at Madras.

16/6/82 8/2
Dated 17th November 1881.
Received }
3436
No. 2406

Requesting
that, for the reasons
stated, the introduc-
- tion of the Legal Prac-
- titioners' Act, 1879,
may be postponed
to the 1st April, 1882.

information made in
paragraph 1 of note
dated 26 Aug 1887,
the Hon. the Gov.
is found it pleased
to think that the
introduction of the Legal
Practitioners Act, 1879,
in this Presidency has
been effected from a paper
postponed to the
April 1882.

The Legislative Dept.
The Hon. the Judges of
the Cal.

a Rev. Dph b

a Rev. of Rev. b

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intimation made in
paragraph 1 of Memo.
dated 26 Aug 1877,
The Hon. the Gov.
is found to please

to think that the
introduction of the Legal
Practitioners Act, 1879,
in the Presidency as
a Bill for the purpose
postponed to the
April 1882.

The Legislative Dept.
The Hon. the Judges of
the Cal.
a Rev. Dph to
a Rev. of Rev. to
Lyngseth

Gobt. of {188 } Madras.

Dated

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Recd.

Nos.

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COPIES OF RECORDS

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DISPOSED OF

29 NOV 81

BY: B. D. NO. 2457.

Acto. Letter from the Right
Honble Court requesting that
steps may be taken to repeal
Madras Population ~~XIV~~ of
1816, trans? to the Legal
Dept. for the necessary action,
and Note directing that the
introduction of the Legal Pro-
tectors' Act, 1879, in this Presi-
dency do take effect from &
after the 1st April 1882, or
as soon as to be published.