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(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 1000

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

நிதித் துறை

அரசாணை எண். 283 புதுக்கித் அச்சகம்
மு. கோப்புத் தாள் எண். பலவகை

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1. 4. 1982

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. கா-1-18,006-15-6-87.

அ. ச. சுவாமிநாதன்

1/283 1/283
1st APRIL 1882, 1 283, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following letter from T. WEIR Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 16th March 1882, No. 470 :—

With reference to the request conveyed in paragraph 7 of the Proceedings of Government, dated 26th August 1881, No. 1762, I am directed to forward, for the consideration of Government, a draft of certain rules suggested for adoption by Government under Section 37 of the Legal Practitioners Act, XVIII of 1879.

2. In connection with, and in elucidation of, the rules for the conduct of the examinations now suggested to Government I am to invite attention to paragraphs 4 to 18 of the Rules framed by the High Court under Section 6 of the Legal Practitioners Act,* and published in the *Port St. George Gazette* of the 16th instant.

* Three spare copies enclosed.

3. On the draft rules now submitted, I am to offer the following brief remarks :—

Rule 1.—It appears necessary to have examinations at at least as many centres as are named in the rule.

Rule 3.—The Pleaders' Examination, being of a professional and practical character, it is thought desirable, in constituting the Examination Board, to appoint as Members only those officials whose position and experience render them most capable of estimating what should practically be required for Pleaders. But for the difficulty that would arise in securing attendance at meetings, &c., it might perhaps be desirable to add to the proposed Board one or two of the most experienced District and Sessions Judges.

Rule 8.—To prevent frauds, personation and the like, it seems absolutely necessary that an officer of the standing of a tenanted Civilian should preside at each central examination.

Subsidiary Rules.

Rule 2.—The rate to be inserted in Rule 2 has been left for the consideration of Government in connection with the duties defined in Rule 3.

4. I am to add that the High Court could propose that the first examination for Pleaders' Examination under the rules now framed should take place in January 1883.

ORDER—dated 1st April 1882, No. 283, Judicial.

The draft rules framed under Section 7 are generally approved and sanctioned.

2. As there are no materials at present available from which an opinion can be formed regarding the expenses incident to the conduct of the examinations, Subsidiary Rule 2 will be modified so as to leave that to be fixed from time to time by the Governor in Council. An alteration has also been made respecting the mode in which fees are to be brought to account.

3. As recommended, yearly examinations will be held in the month of January.

4. The rules will be published in the *Port St. George Gazette*.

NOTIFICATION.

Rules for the conduct of Examinations of Legal Practitioners in the Civil and Criminal Courts Subordinate to the High Court, and the Appointment of Examiners.

In exercise of the power conferred by Sect 37 of the Legal Practitioners Act, 1879, the Right Honorable the Governor in Council is pleased to make the following regulations:—

1. An examination of candidates for Pleaderships of the First and Second Grades shall be held annually in the month of January at the following centres:—

- | | |
|------------------|-------------------|
| (1) Vizagapatam. | (5) Trichinopoly. |
| (2) Rajahmundry. | (6) Mangalore. |
| (3) Bellary. | (7) Calicut. |
| (4) Madras. | |

2. Candidates residing in the districts enumerated in the following list will ordinarily be required to present themselves for examination at the centre appointed for the district in which they reside; but, on special cause being shown to the satisfaction of the Examination Board, a candidate may be allowed to present himself for examination at any other centre:—

District.	Centre.
Ganjam	Vizagapatam.
Vizagapatam	
Godavari	
Kistna	Rajahmundry.
Bellary	
Kurnool	Bellary.
Cuddapah	
Nellore	Madras.
North Arcot	
South Arcot	
Chingleput	
Madras Presidency Town	
Salem	
Coimbatore	Trichinopoly.
Tanjore	
Trichinopoly	
Tinnevely	
Madura	Mangalore.
South Canara	
Malabar	Calicut.

3. The examination will be conducted by Examiners to be appointed by an Examination Board, consisting of a Judge of the High Court, an Advocate-General, the Government Pleader, the Professor of Law at the Presidency College, and the Registrar of the High Court, Appellate Side, as Member and Secretary.

4. All applications to the Examination Board must be addressed to the Secretary.

5. The Secretary will publish in the *F St. George Gazette*, under the orders of the Examination Board, within a reasonable time before the day fixed for the examination, a list of candidates whose applications for examination are admitted.

6. The examination of candidates will be conducted in the English language only, and the merits of each candidate will be estimated by marks, the number of which to be assigned to each subject will be determined by the Examination Board.

7. The Examination Board will assign the various subjects to the Examiners.

8. A Covenanted Officer will be appointed by Government to preside and superintend the examination at each centre, and the prescribed papers will be forwarded, under sealed cover, to the officer so appointed to superintend the examination.

9. The Examination Board, after receiving the report of the Examiners, will decide which of the candidates have qualified and passed, and the Secretary to the Board, in his capacity of Registrar of the High Court, will thereupon, with the sanction of the High Court, cause the names of the persons who have successfully passed the examination to be published in the order of merit in the *Fort St. George Gazette*.

10. Every candidate who has passed the examination will, on application within two years from the date of publication in the Gazette, receive a certificate of qualification under the orders of the Examination Board.

Subsidiary Rules.

1. The fees paid by candidates for examination for Pleaderships of either grade shall be paid into the Government Treasury to the credit of a separate head of account "Pleadership Examination Fees." Out of the sums so received the Examination Board, shall allot to the Examiners in the several subjects such fees, proportioned to the nature of the subject and the number of the Examiners, as they may consider just and proper.

2. From the said receipts the Board of Examiners shall allot to the Secretary of the Examination Board a sum calculated at such rate as the Governor in Council may from time to time determine.

3. In consideration of the sum so allotted, the Secretary to the Examination Board will be required to provide himself with such clerical and other assistance as may be required to enable him to conduct the correspondence of the Board and to tabulate and publish the results of the examination, and other like duties.

4. The cost of stationery required for the purposes of the examination will also be defrayed from the said receipts.

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

Acting Chief Secretary.

To the Hon. the Judges of the High Court, with C. L.
" Gazette.

Exd. T. O'Connor.

1882. 31. 1883. Madras
JUDICIAL.

Order, 31st April 1882, N. 212.

Madras Civil Courts Act, 1873, Section 12, sub-section 2, and Section 23, sub-section 2, and for the purpose of the said Act, the following Rules shall be made.

The following Rules made by the High Court of Judicature at Madras under Sections 6, 7 and 27 of Act XVIII of 1879, in supersession of all previous Rules on the same subject, shall take effect from the first day of April 1882.

1. Except as hereinafter mentioned, all Pleaders, who on 31st March 1882 hold Sannads under the law relating to Pleaders hitherto in force (Regulation XIV of 1816 and Act I of 1846) shall be entitled to obtain certificates authorizing them to practise in the Courts in which they may be authorized by their respective Sannads to practise on the date aforesaid.

This Rule shall not apply to any Pleader who has received a Sannad conditionally on his qualifying under the Rules hitherto in force, unless he shall have qualified within the time limited by the condition or on the 1st day of April 1882. Nor, except by special leave of the High Court and under such conditions as the High Court may in each case prescribe, shall it apply to any Pleader, who since 1869 has received a Sannad to practise without having passed the prescribed tests.

2. All persons, who, prior to the coming into force of the Rules now made, have passed the examinations hitherto prescribed for Pleaderships in District and Subordinate Judges' Courts or for Pleaderships in District Munsifs' Courts, shall, on production of the certificate of good character required in para. 13 of these Rules, be entitled to obtain certificates under Act XVIII of 1879 authorizing them to practise in the Courts in which they may have been qualified to obtain Sannads on the 31st day of March 1882.

Provided that all applications for enrolment under this Rule shall be made not later than the 31st day of March 1883.

3. The individuals named in Schedule A attached to these Rules shall on application made by them within two months after the 1st day of April 1882 be entitled to obtain certificates prescribed in para. 55 of these Rules authorizing them to practise in the Presidency Court of Small Causes.

4. Pleaders in the Courts subordinate to the High Court shall be classed as.

- (a.) Pleaders of the First Grade.
- (b.) Pleaders of the Second Grade.

5. Pleaders of the First Grade shall be entitled to appear, plead and act in any District Court in which they are enrolled and in the Courts of Civil Jurisdiction subordinate to such District Court.

Pleaders of the First Grade shall also be entitled to appear, plead and act in any Court of Criminal Jurisdiction in the District in which they are enrolled.

6. Pleaders of the Second Grade shall be entitled to appear, plead and act in any District Munsif's Court exercising Ordinary Jurisdiction under Section 12 of Madras Civil Courts Act, 1873, in which they are enrolled, and in any Subordinate Judge's and District Munsif's Court exercising the powers of a Court of Small Causes under Section 23 of Madras Civil Courts Act, 1873, in the District in which they are enrolled.

Pleaders of the Second Grade shall also be entitled to appear, plead and act

in any Court of Criminal Jurisdiction in the District in which they are enrolled, either than the Sessions Court of the Division.

7. The following persons may be admitted as Pleaders of the First Grade:—

1st. Any person who shall have obtained the Degree of Bachelor of Laws of one of the Universities of Madras, Calcutta or Bombay, provided that his application for admission as a Pleader be made within one year from the time of his obtaining such degree or within such further time as the High Court shall for any special reason allow.

2nd. Any person who shall produce a certificate from the Examiners that he has passed within one year the examination prescribed from time to time by the High Court for the First Grade Pleadership Examination.

8. For Pleaders of either Grade, the examination shall, until the further order of the Court, comprise the following subjects.

Subjects.	Regulations, Enactments and Text-Books.
The Statute Law of the Madras Presidency in the subject of property in land.	Regulations XXV and XXVI of 1802 and IV of 1822.
(a). Estates held under permanent settlement.	Act II of 1864.
(b). Ordinary Ryotwary Estates, and	Act VIII of 1865.
(c). The relation of Landlord and Tenant.	
Mortgages	Macpherson on Mortgages.
Easements.	Transfer of Property Act (IV of 1882).
Hindu Law of Inheritance	Act V of 1882.
Mahomedan Law of Marriage, Dower and Succession.	Mayne's Hindu Law.
The Law relating to Trusts	Baillie's Mahomedan Law (So much as relates to the subjects specified).
The Law of Torts	Indian Trusts Act (II of 1882).
Obligations arising from Contracts.	Collett on Torts.
Civil Procedure*	Act IX of 1872.
The Specific Relief Act.	Negotiable Instruments Act (XXVI of 1881).
The Law of Evidence	Act X of 1877 and Act XII of 1879.
The Law of Limitation	Act I of 1877.
The Statute Law of India on the subject of Offences and Criminal Procedure.	Act I of 1872.
	Acts IV of 1877, XII of 1879, and VIII of 1880.
	The Indian Penal Code (Acts XLV of 1860, XXVII of 1861 and VIII of 1882), and the Code of Criminal Procedure (Act X of 1882).

* A paper will also be set to test the candidates' knowledge of pleading, viz., drafting plaints and decrees, forming issues, &c.

The Regulations and Acts in which the candidates will be expected to pass will be subject to such modification and alteration as may be made from time to time as the law may be changed.

9. To qualify for a Pleadership of the First Grade, a candidate must have evinced such proficiency as to have obtained not less than two-fifths of the aggregate marks assigned by the Examination Board to the several subjects of the examination.

To qualify for a Pleadership of the Second Grade, a candidate must have obtained at least one-fourth (and less than two-fifths) of the aggregate marks assigned by the Examination Board to the several subjects of the examination.

Candidates for Pleaderships of the First Grade, who on examination have failed to obtain the prescribed minimum of marks required to qualify for the First Grade, will, if they have obtained the prescribed minimum of marks required for the Second Grade, be considered to have qualified for Pleaderships of the Second Grade.

Candidates for Pleaderships of the Second Grade, who are otherwise qualified under para. 11 of these Rules for examination for Pleaderships of the First Grade, and who may obtain a sufficient proportion of marks in the Pleadership Examination,

tion, may be admitted to Pleaderships of the First Grade on paying the difference of the fee for admission hereinafter prescribed (Rule 26).

10. The examination of the candidates of both Grades in all subjects shall be conducted in the English language only.

11. Persons possessed of the following qualifications shall be entitled to present themselves for the Pleadership Examination of the First Grade.

(a). Any person producing certificate of having passed the First Examination in Arts of the Universities of Madras, Calcutta or Bombay, or the First Public Examination before Moderators at Oxford, or the Previous Examination at Cambridge, or the Preliminary Examination in Arts of one of the Irish or Scotch Universities, or the Matriculation Examination at the University of London, or certificate of having passed some other public examination which shall be certified by two Judges of the High Court as being in their opinion equivalent to one or other of the above-mentioned Examinations.

(b). Any person who is certified by a District Judge to have filled with competency for 5 years the office of Sheristadar or Head Clerk of a District or Subordinate Judge's Court.

12. Persons possessed of the following qualifications shall be entitled to present themselves for the Pleadership Examination of the Second Grade.

(a). Persons who are qualified under a previous Rule to present themselves for the Pleadership Examination of the First Grade.

(b). Any person producing a certificate of having passed the Matriculation Examination of any British Indian University.

(c). Any person producing a certificate of having passed the Middle School Anglo-Vernacular Examination in the First Class or any public examination declared equivalent thereto.

(d). Any person who is certified by a District Munsif to have filled for 5 years with competency the office of Head Clerk of a District Munsif's Court.

13. Applicants for examination for either Grade of Pleaderships must produce also a certificate of good moral conduct and must be above 20 years of age.

Examinations.

14. Every candidate for the Pleadership Examination shall, on or before the 15th day of November, apply to the Examiners for leave to present himself at the ensuing Examination; and he shall establish to their satisfaction that he possesses the qualifications prescribed for such candidates.

15. Such application is not to be transmitted to the Examiners direct; but it is to be filed before the 15th day of November in the Court of the District Judge within whose jurisdiction the candidate resides or is employed, and, in the case of candidates residing or employed within the limits of the Original Jurisdiction of the High Court, in the Office of the Registrar of the High Court, Appellate Side. The application must be accompanied by the necessary documents and papers in original with the receipt of the Officer in charge of a Government Treasury for, at least, one half of the fee required, previous to examination. The Judge or Registrar, as the case may be, shall thereupon enquire, as far as may appear necessary, as to the validity of the certificate of character presented by the

candidate, and shall satisfy himself as to the identity of the candidate; and he on or before the 1st day of December, transmit to the Examiners all such applications with the documents accompanying, together with a list of the applications and annexures, and with his opinion in each case as to the sufficiency of the testimonials produced, and any other information which he may think it needful in any case to communicate.

16. The Examiners shall thereupon take the case of each candidate, with the report of the District Judge or Registrar, into their consideration, and shall determine whether or not the candidate is possessed of the necessary qualifications. If the candidate is found qualified, the Examiners shall cause his name, the name of his father, his age, place of residence, and other needful particulars, to be entered in a Register of persons permitted to appear at the Examination.

17. An extract from the Register shall be forwarded to the District Judge or Registrar, with a declaration that the candidate is permitted to appear at the next ensuing examination at , for delivery to him. The Judge or Registrar shall cause a notice of his having received such extracts to be posted on a notice-board in the Court-house, and shall deliver them to the candidates on application. The District Judge, in carrying out this Rule, shall conform to such instructions as he may receive from the Examiners through their President or Secretary.

18. Before the date of examination, every candidate shall pay into a Government Treasury the balance of the fee prescribed, and shall at the same time present to the Officer in charge of the Treasury the extract from the Register to be furnished to him, and the Treasury receipt for the fee shall be endorsed thereon. Every candidate for examination shall produce to the Examiners the extract from the register with the Treasury receipt so endorsed thereon.

Admission.

19. Any person, who shall have qualified under these Rules, and who shall desire to be admitted to practise, shall pay into the Government Treasury of the District, in which he shall intend ordinarily to practise, the fee prescribed, and shall, on presentation of the certificate of the Examiners or of his diploma, of the receipt for the said fee, and of a stamp paper of the necessary value for his first certificate of practice, be entitled to apply to the High Court for admission, stating in what Court he desires to practise with reference to Part I of the Second Schedule of Act XVIII of 1879.

20. The application, together with the certificate or diploma, the receipt, and the stamp paper required by Rule 19, shall be presented to the Judge of the District in which the applicant intends ordinarily to practise, and shall be forwarded by the Judge to the Registrar of the High Court, with such remarks as he may think fit to make thereon. The name of the applicant and his place of abode, together with his father's name and place of abode, shall be affixed in some conspicuous place in the Court-house of the Judge to whom the application is sent, and also in the High Court, at least six weeks before the applicant is admitted to practise.

21. The High Court may call for evidence of the respectability of the applicant in any case in which it may be deemed necessary.

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Certificates.

22. Upon the applicant being admitted by the High Court, the Registrar of the High Court shall cause his name to be entered in the proper Register, and shall grant him a certificate as required by Section 7 of Act XVIII of 1879, authorizing him to practise, up to the end of the current year, in the Courts specified therein.

23. The certificate shall bear the number assigned to it in the Register, and shall be signed by the Registrar and forwarded to the District Judge, to be delivered to the applicant.

24. Any Pleader, who may apply for the renewal of his certificate under Section 7, Act XVIII of 1879, unless he has been ordinarily practising in the Court of the District Judge authorised to renew certificates, shall, with his application, file a certificate of character from the Judge presiding in the Court in which the applicant ordinarily practises. The Munsif or Subordinate Judge may forward the application for a renewed certificate to the District Judge.

25. The renewed certificate shall state only the particulars contained in the former certificate, and the fact and date of its renewal.

Fees.

26. The fees payable previous to examination and on application for enrolment, shall be as follows:—

	1st Grade. Pleadership.	2nd Grade. Pleadership.
For examination.	Rs. 25	Rs. 16
For admission.	Rs. 7	Rs. 5

Penalties.

27. If any person, having passed the examination entitling him to be admitted and enrolled as a Pleader, shall fail to apply for such admission and enrolment for a period of one year from the time of passing the examination, he shall not be admitted and enrolled, unless, by special order of the High Court, the time for such application shall be extended.

28. If any person, having been admitted and enrolled as a Pleader, shall neglect to take out a certificate, or, having obtained a certificate, shall fail to renew it for a period of three years, he shall be suspended and shall not be entitled to receive a certificate or to have his certificate renewed, without further orders of the High Court.

29. If any person shall hold any appointment, under Government, or shall carry on any trade or other business, at the time of his application for admission as a Pleader, he shall state the fact in his application for admission; and the High Court may refuse to admit such person, or pass such orders thereon as it thinks proper.

30. If any person, having been admitted as a Pleader, accepts any appointment under Government, or enters into any trade or other business, he shall give notice thereof to the High Court, who may thereupon suspend such Pleader from practice or pass such orders as the said Court may think fit.

31. Any wilful violation of any of the above Rules shall subject a Pleader to suspension or dismissal.

Fees payable in respect of an adversary's Advocate, Vakil, Attorney or Pleader, on the Appellate Side of the High Court and in subordinate Courts, under Section 27, Act XVIII of 1879.

32. Save by special leave of the Court, no fee shall in any case be entered as recoverable in a decree or order except on production of a certificate from the Advocate, Vakil, Attorney or Pleader, that he has received such fee.

33. In suits, or in appeals from original or appellate decrees in suits, for money, effects, or other personal property, or for land or other immoveable property of any description, fees shall be payable on the following scale:—

(a). When such suits or appeals are decided on the merits after contest, or where such appeals are decided *ex parte*.

(i). If the amount or value of the claim shall not exceed Rs. 5,000, 5 per cent.

(ii). If the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder, 2 per cent.

(iii). If the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, 1 per cent.

(iv). If the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder, $\frac{1}{2}$ per cent.

(v). If the amount or value shall exceed Rs. 80,000, Rs. 1,000.

(b). When such suits are decided *ex parte*, or when such suits or appeals are decided on confession of judgment, or are dismissed for default after all the requisite pleadings have been filed.

(i). If the amount or value of the claim shall not exceed Rs. 5,000, not exceeding $2\frac{1}{2}$ per cent.

(ii). If the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder, not exceeding 1 per cent.

(iii). If the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, not exceeding $\frac{1}{2}$ per cent.

(iv). If the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder, not exceeding $\frac{1}{4}$ per cent.

(v). If the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

34. In suits or appeals withdrawn or compromised, or dismissed for default without a determination on the merits of the case before all the requisite pleadings have been filed in Court, and in appeals from orders, re-hearing on review and other miscellaneous cases, including proceedings in execution of decrees, fees shall be payable on the following scale:

(i). If the amount or value of the claim shall not exceed Rs. 5,000, $1\frac{1}{2}$ per cent.

(ii). If the amount or value shall exceed Rs. 5,000, and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder, $\frac{1}{2}$ per cent.

(iii). If the amount or value shall exceed Rs. 20,000, and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, $\frac{1}{4}$ per cent.

(iv). If the amount or value shall exceed Rs. 50,000, and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder, $\frac{1}{8}$ per cent.

(v). If the amount or value shall exceed Rs. 80,000, Rs. 250.

(vi). In applications for execution of decrees, the fee shall be calculated on the amount realized by the application.

(vii). In all miscellaneous applications after decree, which are decided on the merits after contest, except such as have been hereinbefore specially provided for, a reasonable fee not in any case exceeding Rs. 20 in the High Court, or Rs. 10 in a Court subordinate to the High Court, shall be allowed.

35. The words "the amount or value of claim" in Rules 33 & 34 mean the value as set forth in the plaint or memorandum of appeal, and, where Court Fees are payable *ad valorem*, the value on which such Court Fees are paid.

36. Fractions of a Rupee in the amount or value of a claim are to be rejected in calculating the fee payable thereupon.

37. In cases in which the subject-matter of the claim does not admit of valuation, the Court, or, in the case of the High Court, the Taxing Officer, shall fix a reasonable fee, regard being had to the time occupied in the preparation and hearing of the case and the nature of the questions raised therein.

38. If several defendants or respondents, who have a joint or common interest, succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order for a reason which shall be recorded in the judgment. If only one fee be allowed, the Court shall direct to which of the defendants or respondents it shall be paid, or shall apportion it among the several defendants or respondents in such manner as the Court shall think fit.

39. If several defendants or respondents, who have separate interests, set up separate and distinct defences and succeed thereon, a fee for one legal practitioner for each of the defendants or respondents who shall appear by a separate legal practitioner may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the separate interest of such defendant or respondent in the manner hereinbefore prescribed.

40. For each fee allowed under the two last preceding Rules, the value of the stamp on one Vakalatnama only shall be awarded as costs.

41. Except where an adjournment is made with the consent of all parties, or where from insufficiency of notice a party has not had reasonable time to prepare himself for trial, or where the adjournment is necessitated by a cause beyond the control of the party, an adjournment should not be granted save on the condition that the party applying pay all the costs of the day, including a reasonable fee to the legal practitioner engaged by his adversary. In a District Munsif's Court, a sum not exceeding Rs. 5, and in a Subordinate Judge's Court and a District Court, a sum not exceeding Rs. 10, shall be deemed to be a reasonable fee within the meaning of this Rule.

42. The fee allowed on the per-centage scale for prosecuting or defending a suit is intended to cover all proceedings up to decree; and where a suit is remitted for re-hearing and disposal or for a finding on issues, the proceedings on such order must be regarded as a further proceeding in the trial of the suit, and no further fee can be allowed in respect of such proceedings.

Presidency Small Cause Court.

43. Where costs are awarded by the Court, and where the certificate prescribed in para 32 of these Rules has been obtained, the fees payable in respect of an adversary's Advocate or Attorney in the Presidency Court of Small Causes, shall be as follows:—

(a). In suits not exceeding Rs. 500 in value.			
In respect of an Advocate, a fee not exceeding ...	...	Rs.	30
In respect of an Attorney, a fee not exceeding ...	...	Rs.	25
(b). In suits exceeding Rs. 500.			
In respect of an Advocate, a fee not exceeding...	...	Rs.	85
In respect of an Attorney, a fee not exceeding ...	...	Rs.	51

44. The following scale of Pleader's fees shall ordinarily be observed:—

Scale of Pleader's Fees.

In suits not exceeding Rs. 10 in value, a fee not exceeding Rupee	1
In suits exceeding Rs. 10 and not exceeding Rupees	2
" 20 "	4
" 50 "	7
" 100 "	10
" 200 "	15
" 300 "	20
" 400 "	25
" 500 "	30
" 700 "	35
" 800 "	40

45. Fees shall be fixed at the termination of a suit, and, except as herein-after mentioned (Rule 46), shall be in full of all trouble and attendances bestowed, but exclusive of any compensation which may be granted under Section 42 of Act IX of 1850, or under Section 15 of Act I of 1875.

46. Except where an adjournment is made with the consent of all parties, or where from insufficiency of notice, a party has not had reasonable time to prepare himself for trial, or where the adjournment is necessitated by a cause beyond the control of the party, an adjournment should not be granted save on the condition that the party applying pay all the costs of the day including a reasonable fee, not exceeding Rs. 10, to the legal practitioner engaged by his adversary.

47. Except by special leave of the Court, fees shall not be allowed in cases entered as compromised, or in any case where the defendant, three days before the day of hearing, has intimated to the Court his intention not to contest the plaintiff's demand. In cases decided *ex parte*, or when the defendant confesses judgment, or where a number of suits by the same plaintiff are summarily disposed of in succession, the Court will exercise its discretion in granting fees.

48. In respect of claims and proceedings under the Distress Act (I of 1875), and other miscellaneous proceedings, the Court may order for an Advocate, Attorney or Pleader, such fee as it thinks fit, provided that it will ordinarily be guided by

the scales contained in these Rules and that the highest rate of fee allowed is in no case exceeded.

49. For the purpose of determining the fee to be allowed in suits for ejectment, the amount of one year's rent, and in other suits or proceedings, the amount of debt or damage claimed, or value of the property in dispute, shall be taken to be the value of the suit.

50. Fees shall not be allowed in any case unless by order of the Judge; and he shall determine and certify in each case what fee or fees shall be allowed, and by whom they shall be paid.

51. "Pleader" includes every legal practitioner entitled to practise before a Judge, not being an Advocate or Attorney.

Mofussil Small Cause Courts.

52. In suits under Act XI of 1865 (Mofussil Small Cause Courts Act,) no fees shall be allowed between party and party, unless the Judge shall certify, at the time of the trial, that the case was a proper one for the employment of a regularly authorized Pleader. When allowed, Rupees 5 shall be the fee recoverable by the party employing such Pleader, and no fee shall be allowed for the assistance of any other person. If an Advocate, instructed by an Attorney, or if a Vakeel of the High Court, shall appear, the fees as aforesaid shall be Rupees 15, and Rupees 10 respectively, in cases where the Judge certifies as above.

53. Where a Pleader is employed merely to obtain execution of a decree, one Rupee shall be allowed as costs for that purpose in claims below Rupees 100, and two Rupees in claims above that amount.

General.

54. Legal Practitioners may, whether in Civil or Criminal cases, address the Court in English, either with the consent of the Court and both parties, or without such consent where due provision is made by the English speaker for the interpretation, if necessary, of what he says into the language of the Court.

Forms of Certificates.

55. The certificates and renewed certificates to be issued to Pleaders under the Legal Practitioners Act, 1879, shall be in the following forms.

I.

Act XVIII of 1879.

Clause (c), Part I, Schedule II.

Pursuant to the Legal Practitioners Act, 1879, I hereby certify that
 , son of , has been admitted a Pleader of the First Grade, and is
 authorized to appear, plead, and act in the District Court of and in all
 Courts of Civil Jurisdiction subordinate to such District Court and in all Courts
 of Criminal Jurisdiction in the said District of , up to the end of the
 current Calendar year.

Given under my hand and the seal of the Court this day of

II.

Act XVIII of 1879.

Clause (d), Part I, Schedule II.

Pursuant to the Legal Practitioners Act, 1879, I hereby certify that
 , son of , has been admitted a Pleader of the Second
 Grade, and is authorized to appear, plead, and act in the District Munsif's Court
 of in the District of exercising Ordinary Jurisdiction
 under Section 12 of Madras Civil Courts Act, 1873, and in all Subordinate
 Judges' and District Munsifs' Courts in the said District of exercising
 the powers of a Court of Small Causes under Section 28 of Madras Civil Courts Act,
 1873, and in all Courts of Criminal Jurisdiction in the said District of
 other than the Sessions Court of the Division, up to the end of the current Calendar
 year.

Given under my hand and the seal of the Court this day of

III.

Act XVIII of 1879.

Clause (b) Part I, Schedule II.

Pursuant to the legal Practitioners Act, 1879, I hereby certify that
 , son of , has been admitted a Pleader, and is authorized to
 appear, plead, and act in the Presidency Court of Small Causes, Madras, up to the
 end of the current Calendar year.

Given under my hand and the seal of the Court this day of

IV.

Act XVIII of 1879.

Clause (c), Part I, Schedule II.

The Certificate issued under the signature of on the
 day of to , son of , a Pleader of the First Grade, having
 been cancelled and retained by me, this renewed Certificate is issued, authorizing the
 said to appear, plead, and act in the District Court of
 and in all Courts of Civil Jurisdiction subordinate to such District Court and in all
 Courts of Criminal Jurisdiction in the said District of , up to the end
 of the current Calendar year.

Given under my hand and the seal of the Court this day of

V.

Act XVIII of 1879.

Clause (d), Part I, Schedule II.

The Certificate issued under the signature of on the
 day of to , son of , a Pleader of the Second Grade, having

been cancelled and retained by me, this renewed Certificate is issued, authorizing
 the said to appear, plead, and act in the District Munsif's Court of
 in the District of exercising Ordinary Jurisdiction under
 Section 12 of Madras Civil Courts Act, 1873, and in all Subordinate Judges' and
 District Munsifs' Courts in the said District of exercising the powers
 of a Court of Small Causes under Section 28 of Madras Civil Courts Act, 1873, and
 in all Courts of Criminal Jurisdiction in the said District of other
 than the Sessions Court of the Division, up to the end of the current Calendar year.

Given under my hand and the seal of the Court this day of

VI.

Act XVIII of 1879.

Clause (b), Part I, Schedule II.

The Certificate issued under the signature of on the
 day of to , son of , a Pleader of the Presidency
 Court of Small Causes, Madras, having been cancelled and retained by me, this
 renewed Certificate is issued authorizing the said to appear, plead and
 act in the Presidency Court of Small Causes, Madras, up to the end of the cur-
 rent Calendar year.

Given under my hand and the seal of the Court this day of

SCHEDULE A.

Mr. Gilbert Jeremiah.
 Mr. Henry Brown.
 P. Venkatarayalu Naidu.
 S. Parthasaradhy Naidu.
 Khadar Ally Sahib.
 A. V. Parthasaradhy Iyengar.
 Mr. Arthur Montague Corner.
 Mr. Robert Gordon Ward.
 Venugopal Naidu.

C. A. TURNER, Chief Justice.
 L. C. INNES,
 JAMES KERNAN,
 J. R. KINDERSLEY,
 T. MUTTUSAMI AIYAR, } Judges.

T. WEIR,
 Acting Registrar,
 Appellate Side.

HIGH COURT OF JUDICATURE AT MADRAS, }
 13th March 1882.

Is The Magistrate of Madras
 with 4 spare copies.

Accountant General's Office,
Fort Saint George. MADRAS,
the 31st March 1882

My dear Folkes
Under G. I. Res. 1 D. No 26,
of 29 Sept 79, no new Local
Fund Account can be
opened without the special
permission of the Govt of
India, but I question
whether the Examination
fee levied under Sec 6

existing materials

L. L. R. 872/89

Constitute any special
or local fund at all.
The Govt is bound to
provide examiners
and to pay them, but
the surplus fees form
a portion of the general
revenues and are
entirely at the disposal
of Govt. All that the

This Govt is empowered
to do is to fix the fees.

A separate account
could always be kept
outside the general
accounts to show the
total receipts and
expenditure on account
of these examinations
but it is quite unnecessary.

16/12
283

No. 532.

The High Court has sanctioned the following Addendum to Para 2 of the Rules made on the 13th Instant under Sections 6, 7 and 27 of Act XVIII of 1879 (The Legal Practitioners Act, 1879).

(a.) All persons, who, after the coming into force of these Rules, shall be duly certified to have passed in May 1882, the examinations hitherto prescribed for Pleaderships in District and Subordinate Judges' Courts or for Pleaderships in District Munsifs' Courts, shall, on production of the certificate of good character required in para 13 of these Rules, be entitled to obtain certificates under Act XVIII of 1879 authorizing them to practise in the Courts for which they may have qualified to obtain Sannads.

HIGH COURT OF JUDICATURE,
MADRAS, 23rd March 1882.

T. WEIR,
*Acting Registrar,
Appellate Side.*

L. L. R. 4721

173/283

Jud. DEPARTMENT.

From

No.

- kept constant dated 16 March 1887¹²

Rules under Legal Practitioners
Act —

FOR ORDERS.

The Rules under ss 6.7 & 27
of the Act are forwarded
for our information.

The Rules under s. 37
relative to the conduct of
examinations are forwarded
for approval & sanction.

In subsidiary Rule 2
they come pt. to fix the
percentage to be allotted
to the Secretary of the Examin-
Board. ~~There~~ there
are no existing materials

L.L.R. 472

with which to form a
judgment. Perhaps it
will be enough to say

"a sum calculated at
such rate as the foot will
may from time to time
direct."

II. Rule I. The month
of January is proposed for
the annual exam: &
it is intended not to
hold one till Jan '83.

If the men who are now
going up for the special
test (Charles Enamun)
would be shut out till
then, it will be hard.

The Registrar was at
once written to as to
what the intention of
the H.C. ~~committee~~ re-
garding these men is. Mr
Wain's reply is annexed.

It seems they were members

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but their case, he tells me,
is to be considered.

If the recommendation,
it is submitted, may
be accepted.

27/3/2

As Mr. Wain has ^{not} sent the
further reply, personally
promised, this is sent
on. Yr/s

*Copy of Rules
H.L. - Rules*

FOR ORDERS.

2

Note 2/10/31/3

A doubt having arisen
as to the legality of creating
an Examin fund, a do.
reference was made to
the H.C., whose reply is
attached to the Rules.
The Ambulatory Rules are
now amended in the
direction suggested
S.F. 3/1/3

Recd: Resp: Resp: 1/14

P. 3/1/3 470 872
High Court of Judicature
Madras, 16 - March 1882

From,
J. Weir Esquire,
Acting Registrar of the
High Court of Judicature at Madras.
To,
The Honorable G. Davidson, C.S.I.,
Chief Secretary to Government.
Honorable Sir,

With reference to the
request conveyed in para 7 of the
Proceedings of Government, dated
26th August 1881, No. 1762, I am
directed to forward for the consideration
of Government a draft of certain
rules suggested for adoption by
Government under Section 37 of the
Legal Practitioners' Act, XVIII of 1879.

2. In connection with and in
elucidation of the rules for the
conduct of the examinations now suggested
to Government, I am to invite
attention to paras 4 to 18 of the
Rules framed by the High Court
under

under Section 6 of the Legal Practitioners Act and published in the Port St. George Gazette of the 16th Instant. 3 spare copies.

3. On the draft rules now submitted, I am to offer the following brief remarks.

Rule 1. It appears necessary to have examinations at at least as many centres as are named in the Rule.

Rule 3. The Pleadership examination being of a professional and practical character, it is thought desirable in constituting the Examination Board to appoint as members only those officials whose position and experience render them most capable of estimating what should practically be required for Pleaders. But for the difficulty that would arise in securing attendance at meetings, it might perhaps be desirable to add to the proposed Board one or two of the most experienced District and Sessions Judges.

Rule 8. To prevent fraud, personation and the like, it seems absolutely necessary that an officer of the standing of a Covenanted Civilian should preside at each central examination.

Subsidiary Rules

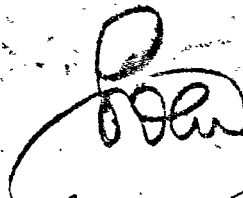
Rule 2. The date to be inserted in Rule 2 has been left for the consideration of Government in connection with the duties defined in Rule 3.

4. I am to add that the High Court would propose that the first examination for Pleadership under the Rules now framed should take place in January 1883.

I have the honor to be,

Honorable Sir,

Your most obedient servant,



Acting Registrar,

Appellate Side

Handwritten notes at top left of page 1.

*Prob. { 1882 }
(Legal Practitioners Act)*

*Rule 1st April 1882 No. 283.
The draft rules framed under
Sec. 37. are approved and
sanctioned*

R.D.
17 MAR 82

*2. As there are no materials at present
from which an opinion can be
formed regarding the expenses
incidental to the conduct of the exams,
I subjoin Rule 2, the rate
will be modified so as to leave
the rate to be fixed
from time to time of the Govt.
as recommended, the exam
will be held in the month of January.*

*The A. Registrar of the
High Court of Madras
Appellate side*

*Dated 16 March 1882
Recd. 17 872*

No. 470

Enclosures 2.

*3. As recommended, the exam
will be held in the month of January.
As the month of Jan.
is proposed for the first an
real exam. Some provision
should be made for the case
of candidate appearing
in May next for the
exam. The Hon. the Judges of the
High Court of Madras*

*Prof. Dft. Rules
framed under Sec 37 and
3 copies of the Rules framed
under Sec 6 of the Legal
Practitioners Act of 1879,
with certain remarks.*

*Rules for the conduct of
Examinations of Legal
Practitioners in the Civil &
Criminal Courts Subordinate
to the High Court of Madras
the 1st of January*

*In exercise of the power
conferred by Sec. 37 of the
Legal Pract. Act, 1879, the H.
H. the Jt. inf. is pleased
to make the following
regulations for the conduct
of*

*Rules proposed to Government for the con-
duct of examinations under Section 37
of Act XVIII of 1879 with reference to
paragraph 7 of the Order of Government,
dated 26th August 1881, No. 1762.*

*1. An examination of candidates for
Pledgerships of the First and Second
Grades shall be held annually in the month
of at the following centres:—*

1. Vizagapatam.
2. Rajahmundry.
3. Bellary.
4. Madras.
5. Trichinopoly.
6. Mangalore.
7. Calicut.

*2. Candidates residing in the Districts
enumerated in the following list will or-
dinarily be required to present themselves
for examination at the centre appointed
for the District in which they reside; but,
on special cause being shown to the satis-
faction of the Examination Board, a candi-
date may be allowed to present himself
for examination at any other centre.*

District.	Centre.
Ganjam ...	Vizagapatam.
Vizagapatam ...	
Godavari ...	Rajahmundry.
Kistna ...	
Bellary ...	Bellary.
Kurnool ...	
Cuddapah ...	
Nellore ...	Madras.
North Arcot ...	
South Arcot ...	
Chingleput ...	
Madras Presidency Town ...	
Salem ...	Trichinopoly.
Coimbatore ...	
Tanjore ...	
Trichinopoly ...	
Tinnevely ...	
Madura ...	Mangalore.
South Canara ...	
Malabar ...	Calicut.

3. The examination will be conducted by Examiners to be appointed by an Examination Board, consisting of a Judge of the High Court, the Advocate General, the Government Pleader, the Professor of Law at the Presidency College, and the Registrar of the High Court, Appellate Side, as Member and Secretary.

4. All applications to the Examination Board must be addressed to the Secretary.

5. The Secretary will publish in the Fort St. George Gazette, under the orders of the Examination Board, within a reasonable time before the day fixed for the examination, a list of candidates whose applications for examination are admitted.

6. The examination of candidates will be conducted in the English language only and the merits of each candidate will be estimated by marks, the number of which to be assigned to each subject will be determined by the Examination Board.

7. The Examination Board will assign the various subjects to the Examiners.

8. A Covenanted Officer will be appointed by Government to preside and superintend the examination at each centre, and the prescribed papers will be forwarded under sealed cover to the Officer so appointed to superintend the examination.

9. The Examination Board, after receiving the report of the Examiners, will decide which of the candidates have qualified and passed, and the Secretary to the Board, in his capacity of Registrar of the High Court, will thereupon, with the sanction of the High Court, cause the names of the persons who have successfully passed the examination to be published in the order of merit in the Fort St. George Gazette.

10. Every candidate who has passed the examination will, on application within 2 years from the date of publication in the Gazette, receive a certificate of qualification under the orders of the Examination Board.

Subsidiary Rules.

1. The fees paid by candidates for examination for Pleaderships of either Grade shall be paid into the Government Treasury to the credit of a fund named Pledership Examination Fund. Out of the sums so received and credited to the Pledership Examination Fund, the Examination Board shall allot to the Examiners in the several subjects such fees, proportioned to the nature of the subject and the number of the Examiners, as they may consider just and proper.

2. From the same Fund, the Board of Examiners shall allot to the Secretary of the Examination Board a sum calculated at the rate of ~~one~~ for every candidate.

3. In consideration of the sum so allotted, the Secretary to the Examination Board will be required to provide himself with such clerical and other assistance as may be required to enable him to conduct the correspondence of the Board and to tabulate and publish the results of the examination and other like duties.

4. The cost of stationery required for the purposes of the examination will also be a charge on the Pledership Examination Fund, defrayed from the said receipts.

*Separate head of account
"Pledership Exam. Fees"
A part on the recommendation
of the*

Said receipts

Said

*As the fund may from
time to time determine.*

PRESS.

Just. DEPARTMENT.
G.O. DATED 1st Apr 1882
No. 283.

at copy sent to Press. 1/4/82

Returned for signature. 20-4-82

Despatched in print. 24-4-82

[Despatch Abstract.]

Legal Practitioners' Act
Sanctioning the draft rules for
under Sec. 37 of this Act, for
control of examiners of Legal
Practitioners in the civil and
Criminal Courts subordinate to the
Courts, and for the appointment
of Examiners.