

*Present : Hutchinson C.J. and Middleton J.*

*Dec. 3, 1910*

**In the Matter of a Rule served on D. J. WUEVESINGHE  
for contempt of Court.**

*Contempt of Court—Pleadings drawn by petition drawer for reward.*

It is an offence for any one who is not duly authorized as a proctor to draw for another person, for reward, pleadings which are intended to be used in any Court.

**T**HE facts appear in the judgment.

*H. A. Jayewardene (with him Siriwardene), for defendant.*

*Van Langenberg, Acting S.-G., for the Attorney-General.*

Dec. 9, 1910 December 9, 1910. HUTCHINSON C.J.—

*In the Matter  
of a Rule  
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D. J. Wijey-  
singhe for  
contempt of  
Court*

Mr. Wijeyasinghe is called upon to show cause why he should not be dealt with for contempt of Court in drawing the plaint in an action in the Court of Requests of Colombo.

The plaint was signed by the plaintiff with a mark, and is endorsed "Drawn by me, D. J. Wijeyasinghe, Petition Drawer"; it was accepted by the Commissioner, although the plaintiff's signature was not verified by the signature of any officer of the Court as required by section 46 of the Civil Procedure Code; the Commissioner has explained that this irregularity was the fault of the recordkeeper.

Ordinance No. 12 of 1848 enacts in section 1 that no person not duly authorized to act as a proctor shall be entitled to act as such in any Court; and in section 5 that any person who as a proctor shall carry on any proceeding in any Court without having obtained a certificate shall be liable to a fine. There is no proof that this petition drawer has not obtained a certificate, but as I do not propose to impose any penalty I do not think it necessary to ask for formal proof, but will assume that he has not obtained a certificate.

Section 151 of the Courts Ordinance empowers this Court to try in a summary manner any offence of contempt of any Court which has not jurisdiction itself to deal with the offence.

A "proctor" or "procurator" is one who acts as agent for another person. A man who draws plaints or other pleadings for another acts as his proctor. And while there may be no objection to a man drawing such a document for a friend, the drawing of them for use in a Court for reward or as a regular practice is the proper business of an authorized proctor, and any one who does so without being authorized does that which is forbidden by the Ordinance, and renders himself liable to be dealt with either for contempt of Court or under section 5 of the Ordinance. This is the first case of the kind which has been brought to our notice, and the petition drawer who signed the plaint does not seem to have thought that he was doing anything wrong, nor is it shown that he is guilty of a breach of section 5 of Ordinance No. 11 of 1894 ("meddling with a suitor"); and we, therefore, think it right merely to warn him that it is an offence for any one who is not duly authorized as a proctor to draw for another person for reward pleadings which are intended to be used in any Court.

MIDDLETON J.—I agree.