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From the History of the Activity of Notary Offices Operating in Samarkand Region at the End of XIX-Beginning of XX Centuries

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ABSTRACT

In this article we will talk about the reforms in the judicial system conducted by the Russian administration in the Turkistan region, about the work carried out on the establishment of the activities of notary public offices in the Turkistan region. In particular, the results of inspections conducted by the notaries established in the Samarkand region and its constituent cities, notaries operating in these offices, judges assigned to perform notary duties were studied.

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Introduction

Judicial reform in the Russian Empire in 1864 year affected not only the legislative system, but also the development of social relations in the country in a certain sense. Therefore, the reforms carried out in the judicial system of the Russian Empire in the second half of the XIX century and its impact not only on the internal regions of the Empire, but also on other lands subject to the Russian invasion became one of the issues of the focus of many researchers.

The invasion of the Turkic country by the Tsarist Russia has plunged the socio-political, economic and cultural spheres that have existed here for centuries into new changes. Ten draft laws of the Russian government from 1865 year to 1916 year for the regions of Turkistan (1865, 1867, 1871, 1873, 1882, 1884, 1886, 1908, 1912, 1916) has developed and implemented scale [1]. These legislation

envisaged the Coordination of the activities of the ministries of Justice, finance, military, internal affairs and the like, and the work established on the basis of the law was carried out step by step. The conquest of Tsarist Russia of Central Asia was associated not only with the appropriation of natural resources, but also with the formation of specific state structures in the management of territories, entering into the broad masses of people, was defined as one of the main tasks of the Tsarist administration. In this case, the administration of the emperor and his trusted representatives in the localities demanded the use and enforcement of penalties for keeping the local population in the state of itoat, legal assessment of the changes introduced and their presence within the law. In this context, the work was also shown as an example of the activities of judicial bodies, in particular notaries.

Literature Review

On the history of the creation of the foundations of the Russian judicial system in the Turkistan region V.N.Kaplun[2], N.I.Kraft[3], N.Fioletov[4], N.Likoshin[5], N. Maev[6] the main source of such works and works of Russian officials, tourists and historians. In the works N.I.Kraft, V.N.Kaplun, N.Fioletov, S.Tregubov[7], V.Gessen[8], N.Likoshin[9] and other authors, information on legislative acts on the management of the Turkestan territory, the judicial system, the introduction of new systems of state institutions has been preserved.

Foreign historians of the activities of judicial-legal, notary offices in Turkistan D.Brouer[10], A.Donelli[11], J.T.Matthew it was studied by such specialists. As well as I.V.Anisimova[12], A.Saliev[13], D.A.Glazunov[14], L.S.Nesterenko[15], historians, such as have described their views on this issue.

The main part. The collapse of the territories under the control of the Russian Empire, naturally, caused the need to regulate relations between the local population and the Tsarist authorities. The reasons for this were such cases as the facilitation of the centralized control of subordinate territories by the imperial government, the regulation of relations between regions and the center. For this reason, work has been carried out to gradually establish the all Russian legal system in the Turkistan region. The present situation was also associated with the activities of notaries, which were the object of the study. In particular, in 1889 10 January was introduced by the state Council of the Russian Empire regulations on notarial parts of the Turkestan territory[16]. Based on the charter, special attention was paid to the following cases:

- In the Turkestan territory, notary offices are introduced based on the "regulations on notarial parts" and the decrees entered into it as an addition (Article 202);
- In the territories where the notary does not apply for the position, the management of this position is entrusted to the judges of the plot world (Article 203).
- The case of notaries who applied for the crime was sent to the regional court for consideration and a court session was held under the chairmanship of court;

- At the regional courts are subject to the establishment of a notary archive. According to the court decision, the provincial governor gave one of the members of this institution the authority to perform the duties of the chief notary;
- The notary public or the judges acting in their function, the member of the regional branch, fulfilling the obligations of the chief notary, determined the transition to the regional branch of proceedings in case of violation of the law. The approval of the provincial governor's office was given to the judicial department of the government Senate (Article 203, paragraphs 1-4);
- -Copies of documents sent by notaries for approval to the chief notary are subject to shipment through the postal service (Article 204).

Main part

It is established by the establishment of notary offices in the territory of the country, the designation of notary publics and the delivery to the Ministry of justice by sending a submission to the governor of Turkistan. On July 28, 1889, in the 20685-digit letter sent to the chairman of the management department of the Ministry of Justice of the Samarkand region sudi on the establishment of notarial offices in the Samarkand region, on July 1, 1889, in the 412 - digit notification received on the establishment of notarial office in the Samarkand region, a separate room for in response to this notification, the Ministry of Justice issued a refusal, which caused the absence in the treasury of funds in the amount of 2200 rubles requested, in addition, the provincial sudi building was provided with office equipment in 1887 year.

Samarkand regional branch court calls for vacancy in Kattakurgan, Khujand and Jizzakh on the basis of competition for the post of notary. Persons who meet the requirements provided for in Article 5 of the regulation on notarial acts are prescribed to pay the tax in the amount of 1000 rubles to the regional court[17; 24].

In February 1890, Samarkand regional branch established the opening of notary offices at the Burnashev house in Kattakurgan, Alexandrovsk Street Kuznesov house in the city of Samarkand[17; 42].

Head of the Samarkand region court P.P.Malishevsky is a court member, acting Chief notary V.I.Tixomirov and Samarkand regional prosecutor A.A. Resler in a statement issued in 1890 year 16 January the issue of testing N.K.Prosin for the position of a small notary, correctly filling out the documents of the plaintiff as a notary, checking his skills in bringing them into action, is fixed. The statement states that the Prosin has successfully passed the test. According to the documents, the plaintiff was appointed to the post of notary of the city of Kattakorgan and issued a statement on the payment of the state fee of 1000 rubles for a special package[18;12]. On February 6, 1889, the chairman of the regional branch Malyshevsky issued an order to appoint Prosin to the post of notary of Kattakorgan city. When the further activity of prosin was studied, he was dismissed from the position of notary of Kattakorgan city in 1891 year 22 January and his powers were transferred to the judge of Kattakorgan world, consultant it became known that A.P.Mirov was charged [18; 24, 25].

The information "on candidates for the post of notary in the regions of the Samarkand region court" is reflected in the 1-list, 170-th work of this fund. On the available 17 sheets, the questionnaire on entry into the vacant position of the notary of the city of Samarkand, documents on entry into the work are collected. In the course of studying the documents, the persons holding the post of notary should submit the following documents:

1. Attestat on service;
2. Certificate that the candidate's notary skills have been tested;
3. Reference from the place of work[19; 7,8,11,12].

In the letter sent to the judge of Samarkand world in 9 January in 1890, it was indicated that it is necessary to organize the notarial archive of Samarkand region, to revise the functions of small notaries and to appoint notaries.

The minutes of court sessions on complaints of the population are reflected in 310-fund 2073-2077 volumes of the central archive of the Republic of Uzbekistan. Judicial proceedings were conducted with the participation of the chairman, members of the court, the prosecutor and the secretary, it should be noted that the name of the notary was not mentioned in any statement. This means that sometimes world judges perform tasks assigned to notaries[20].

Regional courts conducted an inspection of the activities of notaries. For example, the judge of the Samarkand region Jizzakh world N.I.Kroxmal on the notarial task, the following conclusions are drawn:

- Until the day of inspection, 1 krepostnoy contract was concluded,
- Concluded a call contract in the amount of 11 3370 rubles,
- The register of contracts is maintained at the required level,
- The book of contracts on real estate is also executed at the required level and 1 contract is signed during its activity.

Also, the judge of Khujand world T.P.Ignatev's activities were also inspected. According to the results of the inspection, mirovoy judge made mistakes in the formalization of some documents, did not provide a copy of the necessary documents. When studying the book on fees charged, it was found out that 119 sum 65 coin received a fee in favor of the city and was transferred to the treasury. As a notary, it was determined that there is no alphabet indication of the formalization of declarations, as well as reference books of incompetent citizens. It is noted that there are no other books of this type that are required from a notary. In conclusion, world found that the judge's work on notarial obligations was unsatisfactory.

Judge of the new Chorjoy city world A.A. Protopopov can be seen that even in the activity of a number of shortcomings are identified [21; 54].

Samarkand city N.P.Gerasimov's the following inspection report on 6-month activity was

presented: "notary Pavel Nikolaevich Gerasimov began work in this position from February 15, 1890. For 6 months, that is, from the beginning of the year to the day of inspection 48 property belonging to, not belonging to 8 real estate, 1357 units have made a total of 1301 related to the issuance of permits. It was determined by the notary that the documents were kept in the registry at the required level, that the tax fees were transferred to the state treasury, that there were quotas as a substantive document.

Notary Gerasimov performed his duty conscientiously, legally and orderly throughout his activity"[22; 23].

Conclusion

In conclusion, we can say that the Russian authorities were trying to coordinate the activities of notaries for the European population. During this period, the local population mainly resorted to the courts of law enforcement and rarely resorted to notaries.

The establishment of the activities of notary offices by the Empire at the end of XIX – beginning of XX centuries, the reforms carried out in the field of judicial law were reflected in the activities carried out in the Turkestan territory. However, the fact that the internal capabilities of the Turkestan country were not taken into account by Russian authorities did not give the expected results.

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