

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	144	Press
41-42		Mis.
Dated	7-2-	1860.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.*

No. 41. MINUTE by the Honorable W. A. MOREHEAD, dated 3rd February 1860.

The President in the 4th paragraph of his Minute, when remarking on the 34th and 161st Sections of the Commissioners' report has, I observe, misapprehended these Sections. The Commissioners nowhere propose the exclusion of any particular class or creed from the Bench of the High Court or of the Zillah Courts; all that they propose is, that any class and creed shall be qualified according to a prescribed standard before they can occupy certain positions on the Bench of the Indian Courts. Into no profession, that I am aware of, can access be obtained except upon similar terms. To have done otherwise, than has been suggested by the Commissioners would, therefore, in my opinion, have been unwise, whilst to have done more, I agree with the President in thinking, would undoubtedly have been impolitic and unjust.

The imposition of an institution fee, or stamp, has unquestionably, been proved by experience to act as a powerful bar to vexatious litigation. When the stamp duty was first introduced, the number of suits on the files of the different Courts was decreased by thousands. And I feel satisfied that the abolition of the stamp rules would again overwhelm our Courts with work and produce results injurious to the country at large.

The liberal pauper rules, which are in force, obviate all risk of any hardship, or injustice being the consequence of the present stamp law, and preclude the possibility of its being inferred that the decrease of suits I have referred to, was occasioned by the introduction of the law in question. In a financial point of view, the retention of the stamp law, is important, as at present the cost of the District Moonsiffs' Courts of this Presidency is more than met by the stamp payments.

It is but just to Mr. Strange, that I should state that, although he has not signed the report, the Commissioners feel greatly indebted to him for the valuable aid which he afforded them in its preparation.

(Signed) W. A. MOREHEAD.

No. 42. ORDER THEREON, 7th February 1860, No. 144.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

5-2-60

Minute

The President in the 4th hour of his
Minute, when speaking on the
34 and 101st sections of the Law Society,
showed respect for Science, Miracles,
& prebendated these as now. The Council
& members do not propose for
exclusion of any particular class
or breed from the benefit of the High
Council of the Liberal Council, all
that they propose is that every class
& breed shall be qualified accord-
ing

to a prescribed
Standard before they can oc-
cupy certain positions on the
Bank of the Indian Coast -
Into no profession, that I am
aware of, can assess be obtain-
ed except upon similar
terms. ~~In the case of the~~ I have
done & examine, there has been
suggestion by the pecuniary,
would therefore, in my opinion
have been unwise, as well as
have done more, I agree with

the President in thinking, ^{and} would
undoubtedly have been impossi-
ble & unjust -

The imposition of an ^{and} ~~in~~
stamp, a stamp, has unquestion-
ably, been proved by experience
to be as a powerful con-
tributor to litigation. When
the stamp duty was first first
introduced the number of suits
on the files of the different courts
was increased by thousands. I
feel satisfied that the abolition
of the

Stamp rules would again over-
whelm our courts with work &
produce results injurious to the
community at large.

The liberal Stamp rules, which are
in force, obviolate risk of any such
hardship, or any other necessary
consequence of the present Stamp
law, and preclude the possibility
of its being improved that the
2. Create of which, to which I have
referred to was occasioned by
the introduction of the law in
question

In a financial point of view. The
selection of the Stamp law is an
important one, as it presents the cost of
the District House of Commons of
the Treasury is more than met
by the Stamp payments.

It is but just to Mr. Thompson, and
I should state that although he
has not received the report, the
committee have felt greatly indebted
to him for the valuable assistance
which he afforded them in its
preparation.

Yours faithfully,
J. H. Thompson

