

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1463	Press
		~~MIS.~~
- 55 -		
Dated	P. 9. 1862	49

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
8th September 1862.*

No. 55. To the Registrar of the High Court of Judicature, Madras, dated Fort Saint George, 8th September 1862, No. 1,463.

In a letter to the Judges of Her Majesty's late Supreme Court, dated 11th August 1862, No. 1,286, this Government observed, that by the late Act of the Governor General of India in Council, No. XX of 1862, the Judges of the High Court were to prepare and submit to Government for their sanction "a table of fees to be received as Court fees, and to be paid to such Officer or Officers as the said High Court shall direct in respect to proceedings in or business coming before such High Court in the exercise of its ordinary original jurisdiction, and on appeal from its ordinary original Civil jurisdiction," and they requested that they might receive this table from the Judges of the new High Court at as early a date as might be convenient after the establishment of the Court.

2. In your letter of 22nd August last, you forwarded, by direction of the Chief Justice and Judges of the High Court *for the sanction and approval of His Excellency the Governor in Council under Act XX of 1862, Section 10*, a table of fees which had been prepared and settled by the Court.

3. The table of fees so prepared and submitted was thereon sanctioned by Government in accordance with Act XX, 1862, of the Government of India, and published in the Gazette.

4. It has since occurred to Government that the table of fees which the High Court of Judicature is authorized to prepare and settle under Act XX, 1862, is a table of such fees only as are to be received as Court fees, paid to such Officer or Officers as the High Court may direct, and, under Section III of the Act, paid to the account of Government—and not a table of fees payable to the Sheriff, Attorneys, or any Clerk or Officers of the High Court, who may be paid by fees instead of, or in addition to, salary—to which latter fees nothing in Act XX, 1862, is to be held to apply.

5. The payment of the Officers of the Court by salaries instead of fees, and the crediting of the fees receivable in respect to the proceedings of the Court towards the payment of such salaries, has not yet been carried out in the late Supreme Court, or present High Court, and the fees which are there received are consequently those to which Act XX, 1862, does not apply.

6. I am to request that you will bring the subject of the preceding paras. to the notice of the Chief Justice and Judges of the High Court and refer for their consideration whether the table of fees which accompanied your letter of the 22nd ultimo, should not rather have purported to have been prepared under the Act 24-25 Vict., Cap. CIV, Section 15, and should not be sanctioned by Government under the provisions of that Act of Parliament.

(Signed) T. PYCROFT,
Chief Secretary.

dupd. 8.

Judicial Dept.

No 1463.

To

Hon Registrar of the High Court of Judicature
(Madras.)

Sir,

In a letter to the Judges
of the Madras Supreme
Court dated 11th August 1862, I
must have observed that by the
late Act of the Governor-
General of India, ^{in Council,} 18 of 1861
the Judges of the High Court
were ~~to~~ to prepare and submit to
the Govt. for sanction a table
"of fees to be received as Court
fees, and to be paid to such
Officers as Officers and the
High Court shall direct in
respect to proceedings in or
business coming before such
High Court in the exercise of
its ordinary original juris-
diction, and on appeal from
its ordinary original juris-
diction." and they re-
quested that they might
receive this table from the
Judges

Judges of the new High Court
at as early a date as might
be convenient after the esta-
blishment of the Court.

2. In your letter of 22^d.
August last you forwarded,
by direction of the Chief Justice
and Judges of the High
Court, the sanction and
approval of R.E. the Governor
in Council under Act XX of
1862, Section 10, a table of fees
which had been prepared and
settled by the Court.

3. The table of fees so
prepared and submitted was
thereon sanctioned by Govt.
in accordance with Act XX.
1862. The Govt. of India, and
published in the Gazette.

4. It has since occurred
to me that the table of
fees which the High Court
of Judicature is authorized
to prepare and settle under
Act XX. 1862 is a table of
such fees only as are to be
received as Court fees, paid
to such Officer or Officers

as the High Court may
direct, and under Section III
of the Act, paid to the ac-
count of Govt. - and not
a table of fees payable to the Sher-
iffs, Attorneys, or any Clerk or
Officers of the High Court
who may be paid by fees
instead of, or in addition
to salary - which latter
fees nothing in Act XX. 1862
is to be held to apply.

5. The payment of the
Officers of the Court by sa-
laries instead
the crediting of the fees receiv-
able in respect to the pro-
ceedings of the Court towards
the payment of such salaries,
has not yet been carried
out in the late Supreme
Court, or present High
Court, and the fees which are
there received are consequent
those to which Act XX. 1862
does not apply.

6. I am to request
that you will bring the
subject of the preceding paras

Chief Justice &
to the notice of the Judges of
the High Court and refer
for their consideration whether
the table of fees which accom-
panied your letter of the
22nd should not rather
have purported to have been
prepared under the Act
31, 32, Vict. C. 44. Sec. 15, and
should not be sanctioned
by Govt under the provi-
sions of that Act of Par-
liament.

W. H. L.
2 Sept 1862. 3

J.P.

13-3-15

Received for
Sundials 1862 Sept.

£14.03.

To the Proprietors of the
High Court Sundials
Warras.

Quoted 3rd Sept. 1862

Sept 1885.

Reply for the consideration
of the Proprietors whether the
credit value of fees should
not have been projected to them
been prepared & standing
by Sept under the clock
24 & 25 Dec. Sept 1884-Dec 15.
inscribed or under Dec 15 of the
Year of Sundials, as has been done.