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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Police DEPARTMENT

G.O. No.	484	Press.
B.P. No.		Mis.
Dated	19. 3. 1988	<i>ib</i>

VB

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
19th March 1868.*

No. 213. Read the following letter from the Assistant Secretary to the Government of India, Home Department, Legislative, to the Chief Secretary to Government, Fort Saint George; dated Fort William, 20th March 1868, No. 16.
I have referred to send you a copy of the Bill, with a request that you will submit it to the High Court of Madras for such remarks as the learned Judges may have to offer.

I am also to request that, looking at the advanced period of the Session, you will endeavour to procure the remarks asked for with as little delay as possible.

No. 214. From the Assistant Secretary to the Government of India, Home Department, Legislative, to the Chief Secretary to Government, Fort Saint George; dated Fort William, 20th March 1868, No. 20.

I have referred by the Select Committee to whom the Bill to provide for the collection of fees by means of stamps in the High Courts at the Presidency Towns has been referred, to send you the enclosed copy of the Bill, in order that it may be substituted for the copy sent in letter, No. 16, dated 2nd instant.

No. 215. To the Honorable Mr C. H. SCOTLAND, Knight, Judge of the High Court of Judicature, Madras, dated Fort Saint George, 19th March 1868, No. 484.

I am directed by the Governor in Council to forward the annexed copy of a letter from the Assistant Secretary to the Government of India, dated the 2nd instant, No. 16, together with a copy of a Bill to provide for the collection of fees by means of stamps in the High Courts at the Presidency Towns, and to request that the Honorable the Judges of the High Court will be good enough to favor this Government with such remarks as they may desire to offer, at an early date, for transmission to the Governor General in Council.

(Signed) R. S. ELLIS,
Chief Secretary.

213-211

Continued 1863
To the Chief Justice
of the High Court of
Judiciary
J. H. Scott
J. H. Scott
J. H. Scott

213-211
To the Honorable Sir J. H. Scott, Kt.
Chief Justice of the High Court of
Judiciary.

Honorable Sir

I am directed by the
Governor in Council to
forward the annexed copy
of a letter from the Assistant
Secretary to the Government
of India, dated the 2nd
instant 1863, together
with a copy of a Bill to
provide for the collection of
fees by means of stamps
in the High Courts at the
Presidency Towns, and to
request that the Honorable
the Judges of the High
Court will be good
enough to favor this
Govt.

Government with such
remarks as they may
desire to offer at an early
date, for transmission to
the Governor General in
Council

Fort St George
19 March 1868

N. 16

From Whitley Stokes Esquire
Assistant Secy. to Government of India
Home Department (Legislative)

To Chief Secretary to Government
Fort Saint George

Dated Fort William the 27th March 1868.

Sir,

I am directed by the Select Com-
mittee to whom the Bill to provide for the
collection of fees by means of stamps in the
High Courts at the Presidency Town has been
referred, to send you a copy of the Bill, with a
request that you will submit it to the High
Court of Madras for such remarks as the
learned Judges may have to offer.

I am also to request that, looking
at the advanced period of the Session, you will
endeavour to procure the remarks asked for with as
little delay as possible.

I have the honour to be
Sir
Your Obedient Servant

Whitley Stokes

Asst Secy to Govt of India
Home Department (Leg)

JUDICIAL DEPARTMENT.

No. 484.

To

THE HONORABLE SIR C. H. SCOTLAND, KNIGHT,
Chief Justice of the High Court of Judicature, Madras.

HONORABLE SIR,

I am directed by the Governor in Council to forward the annexed copy of a letter from the Assistant Secretary to the Government of India, dated the 2nd instant, No. 16, together with a copy of a Bill to provide for the collection of fees by means of stamps in the High Courts at the Presidency Towns, and to request that the Honorable the Judges of the High Court will be good enough to favor this Government with such remarks as they may desire to offer, at an early date, for transmission to the Governor General in Council.

I have the honor to be,
Honorable Sir,
Your most obedient servant,

FORT SAINT GEORGE,
19th March 1868.

Chief Secretary.

From the Assistant Secretary to the Government of India, Home Department, Legislative, to the Chief Secretary to Government, Fort Saint George; dated Fort William, 2nd March 1868, No. 16.

I am directed by the Select Committee, to whom the Bill to provide for the collection of fees by means of stamps in the High Courts at the Presidency Towns has been referred, to send you a copy of the Bill, with a request that you will submit it to the High Court of Madras for such remarks as the learned Judges may have to offer.

2. I am also to request that, looking at the advanced period of the Session, you will endeavour to procure the remarks asked for with as little delay as possible.

From the Assistant Secretary to the Government of India, Home Department, Legislative, to the Chief Secretary to Government, Fort Saint George; dated Fort William, 6th March 1868, No. 20.

I am directed by the Select Committee to whom the Bill to provide for the collection of fees by means of stamps in the High Courts at the Presidency Towns has been referred, to send you the enclosed copy of the Bill, in order that it may be substituted for the copy sent in letter, No. 16, dated 2nd instant.

Ed. F. R. Bantleman.

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No 20 3

From

Whitley Stokes, Esquire,

Asst. Secy to the Govt of India,

Home Department (Legislative).

To

The Chief Secretary to Government,

Port Saint George

Dated Port William the 5th March 1868.

Sir,

I am directed by the Select Committee to whom the Bill to provide for the collection of fees by means of stamps in the High Courts at the Presidency Towns has been referred to send you the enclosed copy of the Bill in order that it may be substituted for the copy sent in letter No 16, dated 2nd Instant.

I have the honour to be,

Sir,

Your Obedient Servant

Whitley Stokes

Asst. Secy to the Govt of India

Home Department (Legislative)

H. H.

55

Amended by the Select Committee.

Short tide

2. Sections one, three and four of Act No. XX of 1862

Repeal of Act XX
of 1902, sections 1, 3
and 4.

(to provide for the levy
of Fees and Stamp

*Duties in the High Court of Judicature at
for certain sections of Act VIII
of 1859 in the said High Court) are hereby
repealed.*

3. All fees chargeable when this section comes in operation in the High Courts of Judicature at Fort William in Bengal, Madras and Bombay, and their several offices, shall be deemed to be chargeable under this Act, and shall be collected by stamps from such date, in the said High Court of Judicature at Fort William as the Governor General of India in Council shall notify in the *Gazette of India*; and from such date, in each of the said other High Courts, as the Local Government shall notify in the local official Gazette.

4. All or any stamps to be used under this Act shall be impressed or adhesive as the Local Government may from time to time direct.

5. The Local Government, with the concurrence of the Chief Justice of the High Court, may, from time to time, make rules for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of such stamps, the renewal of damaged or spoilt stamps, and keeping accounts of all stamps used in the High Court under this Act.

6. No document which ought to bear a stamp under this Act shall be of any validity unless and until it is properly stamped; but if any such document is through mistake or inadvertence received, filed, or used, without being properly stamped, a Judge of the High Court may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

7. Where any such document is amended in order merely to correct a mistake, and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

8. Nothing in this Act shall apply to the fees allowed to the sheriff or attorneys of

9. If any difference arise between the officer whose duty it is to see that any stamp is affixed under this Act and any suitor or attorney, as to the necessity of imposing a stamp or the amount thereof, the question shall be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court.

10. The Local Government may by notification in the official Gazette extend the provisions of section 3 (so far as they relate to the collection of fees by means of stamps) and of sections 4, 5, 6, 8 and 9, *mutatis mutandis*, to the several Courts of Small Causes established in the towns of Calcutta, Madras and Bombay.

11. Section 10 shall come into operation at once, and as soon as the sections therein mentioned were now in force. The rest of this Act shall come into operation from such date, in the said High Court of Judicature at Fort William, as the Governor General of India in Council shall notify in the *Gazette of India*, and from such date, in each of the said other High Courts, as the Local Government shall notify in the local official Gazette.

Government of India.

HOME DEPARTMENT.

LEGISLATIVE.

A
BILL

TO

Provide for the collection of fees by means
of stamps in the High Courts at the
Presidency Towns.

(Mr. Cockerell).

(As amended by the Select Committee.)

Price two annas

A
BILL

TO

Provide for the collection of fees by means
of stamps in the High Courts at the
Presidency Towns.

[As amended by the Select Committee.]

Whereas it is expedient to amend the
law relating to the collec-

Preamble. tion of fees in the High
Courts of Judicature at Fort William in
Bengal, Madras and Bombay; It is hereby
enacted as follows:—

Short title.

1. This Act may be
called "The High Court
Fees' Act, 1868."

2. Sections one, three and four of
Act No. XX of 1862
(to provide for the levy
of Fees and Stamp
Duties in the High Court of Judicature at
Fort William in Bengal, and to amend
the operation of certain sections of Act VIII
of 1859 in the said High Court) are hereby
repealed.

3. All fees chargeable in the High
Courts of Judicature at
Fort William in Bengal,
Madras and Bombay,
and their several offices immediately before
this section comes into operation shall
be deemed to be chargeable under this
Act, and shall be collected by stamps.

4. All or any stamps to be used under
this Act shall be im-
pressed or adhesive is
the Local Government may from time to
time direct.

5. The Local Government, with the concurrence of the Chief Justice of the High Court, may, from

time to time, make rules for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of such stamps, the renewal of damaged or spoilt stamps, and keeping accounts of all stamps used in the High Court under this Act.

6. No document which ought to bear a stamp under this Act shall be of any validity unless and until it is

properly stamped; but if any such document is through mistake or inadvertence received, filed, or used, without being properly stamped, a Judge of the High Court may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly, the same shall be a proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

7. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

8. Nothing in this Act shall apply to the fees allowed to the sheriff or attorneys of the High Court, or to the fees which any officer or such Court shall be allowed to receive in addition to any fixed salary.

the High Court, or to the fees which any officer of such Court shall be allowed to receive in addition to any fixed salary.

9. If any difference arise between the officer whose duty it is to see that any stamp is affixed under this Act and any suitor or attorney, as to the necessity of imposing a stamp or the amount thereof, the question shall be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court.

10. The Local Government may by notification in the official Gazette extend the provisions of sections 3, 4, 5, 6, 8 and 9, *mutatis mutandis*, to the several Courts of Small Causes established in the towns of Calcutta, Madras and Bombay.

Government of India.

HOME DEPARTMENT.

LEGISLATIVE.

A

BILL

TO

Provide for the collection of fees by means
of stamps in the High Courts at the
Presidency Towns.

(Mr. Cockerill).

(As amended by the Select Committee.)

Price two annas.

Printed by the Government of India, at the Government Press, Calcutta.

