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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No.	616	Press.
B.P. No.		Mis.
Dated	19-4-1868	197.

Not to be folded or roughly handled

616
JUDICIAL DEPARTMENT.

No. 616.

FROM

THE HONORABLE R. S. ELLIS, C. B.,
Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

With reference to Mr. Assistant Secretary Whitley Stokes' letters, dated the 2nd and 6th ultimo, Nos. 16 and 20, I am directed by the Governor in Council to

**Dated 1st April 1868, No. 555.*

transmit copy of a letter* from the Acting Registrar of the Appellate Side of the High Court, Madras, annexing copy

of a Minute recorded by the Honorable the Chief Justice, and concurred in by the other Judges, on the Bill to provide for the collection of fees by means of Stamps.

2. It will be seen that the Judges consider that it would be more convenient to provide for the levying of moderate stamps, proportioned to the value of the subject matter of the claim in each suit, to be collected not in one large institution stamp, but at two or three different stages of the suit.

I have the honor to be,

Sir,

Your most obedient Servant,

FORT SAINT GEORGE,
16th April 1868.

Chief Secretary.

From the Acting Registrar of the High Court of Judicature, Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 1st April 1868, No. 555.

I am directed to acknowledge the receipt of your letter to the Chief Justice, dated 19th March 1868, No. 484, forwarding copy of a Bill to provide for the collection of fees by means of Stamps in the High Courts at the Presidency Towns, and requesting the opinion of the Judges thereon.

2. In reply, I am directed to transmit the accompanying remarks recorded by the Chief Justice, and concurred in by the other Judges.

MINUTE by the Honorable the CHIEF JUSTICE.

" It appears to us that the effect of Section 3 would be to prevent any alteration in the amount
" of the fees after the Act has come into operation, and that so far it is in conflict with Section 15
" of Statute 24 and 25 Vict., Cap. 104, and we find in the English Act 28 Vict., Cap. 45, from which
" this Bill is adopted, a Section (No. 5), providing that the Act is not to interfere with the Judges'
" power of altering fees.

614

"As regards Section 9, a difficulty would arise in our Court in consequence of the Registrar being also the Taxing Officer. Questions arising between him as Registrar, and the Suitors or the Attorneys, or in this Court the *Fakeds* participating on the Original Side, would, under this Section, come before him for decision as Taxing Officer.

"These are the only observations that occur to us at present. But we think it questionable whether it would not be more convenient to provide for the laying of moderate stamps proportioned to the value of the subject matter of the claim in the suit, and to be collected not in one large institution stamp, but at two or three different stages of the suit. This would be in accordance with the system in operation throughout the country. If this course were adopted, the proper step should be taken to qualify the existing power of the Court as to fees."

(True Copy).

(Signed) H. WIGRAM,
Attorney Registrar, 1, Pall Mall Side.

Judicial Department.
No. 616. 6/16/73

To

The Secretary to the Government
of India,

Home Department

Sir,

With reference to Mr.
Assistant Secretary Whitley
Stokes' letter dated the 2^d
and 6th ultimo, Nos. 16 and 20,
I am directed by the Governor
in Council to transmit
copy of a letter from the
Acting Registrar of the
Appellate Side of the
High Court, Madras,
annexing copy of a Minute
recorded by the Honorable
the Chief Justice and con-
curred in by the other
Judges, on the Bill to
provide for the collection
of

* 9th April/68
No. 555-..

N. W. D.
by A

Home 1868 Sept.

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From Government of
Fort St. George.

To

The Government of India.

No. 616.

Enclosures

- Dated 16th April.

R.

D. No. Progs. {
L. No. L. No.

SUBJECT.

Transmitting copy of a letter from the Acting
Registrar of the Appellate Side, High Court,
Madras, annexing certain papers on the subject
of the Bill to provide for the collection of fees by
means of Stamps.

of fees by means of stamps.
2. It will be seen that
the judges consider that
it would be more con-
venient to provide for
the levying of moderate fees in stamps,
proportional to the
value of the subject-matter
of the claim, to be collected
not in one large institution
stamp, but at two or three
different stages of the suit.

P. Dr

Lat. St. George
18 April 1845 }

2
6/6/5

H. Wigram Esq^r

Acting Registrar of the High Court
of Judicature, Madrid.

To

The Honorable R. S. Ellis, C. B.

Chief Secretary to Government.

Honorable Sir,

I am directed to acknowledge the receipt of your letter to the Chief Justice dated 19 March 1868, N^o 434, forwarding copy of a Bill to provide for the collection of fees by means of stamps in the High Courts at the Presidency Towns and requesting the opinion of the Judges thereon.

2 In reply I am decided to transmit the accompanying remarks recorded by the Chief Justice and concurred in by the other Judges.

I have the honor to be,

Honorable Sir,

Your Most Obedient Servant,

Twigg

Antony Registrar.

Appreciate Life.

High Court of
Judicature, Madras.
1st April 1868.

44 B. O. Higgins

West 1862. Department.

No. 2117

To
The Secretary to the
Government of
Department

Feb 759/69

Dated 16 April 1888.

known that copy
of a letter from Elizabeth
the sister of the Appleton
side, Miss Court, Madison,
narrating certain portions
on the subject of the
bill to provide for the
Office by means of
slaves.

c. 6: April
1915 "

Minute by the Honorable the Chief Justice

"It appears to us that the effect of Section 3
"would be to prevent any alteration in the amount
"of the fees after the Act has come into operation,
"and that so far it is in conflict with Section 15
"of Statute 24 and 25 Vict. Cap. 104: and
"we find in the English Act 28 Vict. Cap. 45
"from which this Bill is adopted, a Section (225)
"providing that the Act is not to interfere with
"the judges' power of altering fees.

"As regards Section 9, a difficulty
"would arise in our Court in consequence of the
"Registrar being also the Taxing Officer. Questions
"arising between him as Registrar, and the Sutors
"or the Attorneys or in this Court, the Vekils practising
"on the Original Side, would, under this Section,
"come before him for decision as Taxing Officer.

"These are the only observations that
"occur to us at present. But we think it questionable
"whether it would not be more convenient to
"provide for the levying of moderate stamps

proportioned

6/6
"proportioned to the value of the subject-matter
"of the claim in the suit, and to be collected not
"in one large institution stamp but at two or
"three different stages of the suit. This would be
"in accordance with the system in operation
"throughout the country. If this course were
"adopted, the proper step should be taken to
"qualify the existing power of the Court as to fees."

(True Copy)

Adiguess

Acting Registrar,

Appellate Side

22. 7. 77

From 19th March 1868 to 23 & 25

June 1868. *Expenditure*

From

Mr. Henry Rogers of the
High Court of Justice
The Chief Clerk of the Court

June 1868
Revenue *due* } April 1868

£ 17/2/6

Expenditure on
rents by the Chief Justice
and the other judges of the
High Court was £100 10
pence for the collection of
the High Court of Justice
Revenue from the
Revenue Commissioners.

Ed. Smith
136.