94.
200—19-7-96.

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 498.

DATED 7 Mar. 1895.

[Despatch Abstract.]

HIGH COURT ESTABLISHMENT.

Calling for the views of the Chamber of Commerce and the Attorneys' and Bar Associations on a scheme for reorganizing the establishment of the Original Side of the High Court.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

7/3

ORDINARY, PRINTED.

Judicial DEPARTMENT.
G.O., DATED 7-3-95
No. 498

First copy sent to Press. 7. 3. 95

Returned for signature.

Despatched in print.

[Despatch Abstract.]

High Court Establishment

Calling for the views of the Chamber of Commerce, and the Attorneys' and Bar associations on a scheme for reorganising the establishment of the original side of the High Court.

4

H.E. wishes this printed very early and returned by Monday.
Print confidentially but
do not mark so please

AS
7/3

Back Paper, No.

Read again Order of Government, dated
18 , No.

Further Paper, No.

Enclosure A

Current No. 5908
5935
6671 } A

Statement with ditto.

Order, &c., of Government—A.

Papers kept out of File for despatch in original
(not paged).

Number of copies required.
Order complete. 30
Letter only.
Order complete with Letter.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

The Madras Chamber of Commerce,

Madras, 3rd Nov 1894

From

The Hon'ble Mr J A Boyson
CHAIRMAN, CHAMBER OF COMMERCE,
MADRAS.

To

The Chief Secretary to Government
Judicial Department
Fort Saint George.

Sir,

As the Chamber views with grave concern the persistent rumours that now prevail as to impending changes on the Original Side of the High Court of Madras, which changes will result in its virtual abolition, I have been directed to address you and to express the hope that, if there is any truth in those rumours, the Government will be good enough to give the Chamber an opportunity of expressing its views before any definite or irrevocable action

action is taken in the matter.

I have the honor to be
Sir,
Your most obed^t. Servant,

W H Bryan
Chairman

5908

Ct No 5635/94
26 9 94 2338/9 Sc

Disposal Jud! Dept.
Ct No 5635

CHIEF SECRETARY
3. NOV. 1894
GOVERNMENT OF MADRAS

From

The Honble Mr. J. A. Boyson
Chairman Chamber of Commerce
Madras

Dated 3rd
Recd 3rd } Nov. 1894.
Regd. 5th

Subject

Requesting that the Chamber may be allowed an opportunity of expressing its views on the question regarding the ~~rumoured~~ proposed changes on the Original Side of the High Court

Hm & circ

For orders.

The communication from the High Court containing the suggestion regarding the reorganisation in question is under disposal.

Circd in continuation of previous papers

10 Nov.

12/11/94

Seen — Please return to me after circn that I may put with the other papers which I have

13/11/94

Seen

14/11

16 Nov.

C 13/11 R 15/11 | C 15/11 R 16/11

5th November 1894.

To,

His Excellency Lord Wenlock,

Governor in Council.

CHIEF SECRETARY
6. NOV. 1894
GOVERNMENT OF MADRAS

The Memorial of the Attorneys Association of Madras.

1. Your Memorialists have had their attention called to G.O No.2338 Judicial, of the 28th of September 1894 upon the "Report on "the Administration of Civil Justice in the Madras Presidency for "the year 1893" from the last two paragraphs of which it is observed that Government suggest:-

   1. That the Jurisdiction of the City Civil Court might be increased up to Rs 5000/- in value.
   2. That Institution Fees calculated in accordance with the Court fees Act of 1870 should be substituted for the scale of fees now leviable in the High Court.
   3. That in view of the decrease of work on the Original Side of the High Court a re-organization of its establishment with a view to a saving being effected, should be carried out.

× Cur. 5635/94

2. Your Memorialists are also informed that certain proposals× have recently been submitted to Government by his Lordship the Chief Justice providing in part for the re-organization of the establishment of the Original Side, and that one portion of such scheme is to divest the Registrar of his duties as Taxing Officer and give such duties to one or other of the Appellate Registrars.

No, Govt. has nothing to do with this.

3. With reference to the suggested increase of the Jurisdiction of the City Civil Court your Memorialists trust that no attempt will be made to give effect to it until the City Civil Court has had a far longer trial than it has at present. Your Memorialists cannot agree that from the point of view of many of the Suitors the Court has by any means proved a success. Their experience is that it takes

almost

CURRENT No 5735

JAMES SHORT,
Solicitor.

118, Armenian Street,

MADRAS, 5th November 1894.

2

TO,

THE CHIEF SECRETARY TO GOVERNMENT

FORT ST. GEORGE

CHIEF SECRETARY
6 NOV. 1894
GOVERNMENT OF MADRAS

SIR,

I have the honor to forward herewith a Memorial from the Attorney's Association Madras which please be good enough to place before His Excellency the Governor as early as possible.

I have the honor to be

sir,

Your most obedient servant,

James Short

Hon: Secretary Attorney's Association

4

almost as long to obtain a Decree in any defended suit as it does in the High Court and longer in an undefended suit and that in all contested cases of any importance the cost to ~~be~~ the successful party is infinitely greater than it would be in the High Court, and for this reason, that in the City Civil Court a Defendant who raises frivolous and untenable defences can do so at no increased expense to himself The fixed fee calculated upon the amount in dispute represents the total cost to which he can be put, so that the result often is that the successful party only obtains his Decree at very considerable cost to himself. There is a suit proceeding at the present moment in the City Civil Court which is a very useful object lesson in this connection. The suit in question is on ~~C.S.127 of 1894~~ a Promissory Note the defence being that the party who signed the note in the name of the Defendants firm was not a partner and had no authority to sign. The value of the suit is Rs 2000/ and the fee to which the successful party will be entitled is Rs 100. The case has already lasted 7 days and will probably last 4 more, and the cost to either party may safely be said to be not less than Rs 600/ though at the same time the sole liability of the unsuccessful party will be Rs. 100/ but had this suit been filed in the High Court whatever expense the Plaintiffs were put to would be recoverable from the Defendants. Your Memorialists also observe that a very large per centage of the cases disposed of in the City Civil Court consist either of Suits relating to land of very trifling value or suits for libel, malicious prosecution and other suits not cognisable by the small Cause Court, and it by no means follows as a necessary consequence that because the Court has been found a convenience to the public interested in this description of litigation, it would be found equally convenient when applied to suits up to Rs.5000/ which would most likely include suits necessitating the taking of Accounts (e.g. administration suits partnership suits &c) for which the Court has at present no establi h-ment, and also Mercantile Suits involving principles of considerable importance.

C.S. 127 of 1894

4. With reference to the proposal to substitute for the exist-ing

La

× It is well that this is recognized as a "privilege". This is exactly what it is, vizt, an advantage enjoyed by one person at the expense of others. WS

-ing Institution Fees those leviable under the Court Fees Act, your Memorialists venture most respectfully to protest against any such alteration. The privilege× of litigating under the existing scale of institution fees allowed for the High Court is one in respect to which no good reason has yet been shewn for depriving the City of Madras of, and your Memorialists believe that any such alteration would work considerable hardship upon the Suitors of the Court and in many cases have the result of altogether prohibiting litigation. It must be remembered that the class of suits in the Presidency Towns are altogether different to those in the Mofussil. They are for the most part Mercantile or quasi-Mercantile Suits: The Defendants are generally parties engaged in trade and but seldom possessed of landed property their assets mostly consisting of stock in trade easily disposed of without the knowledge of the Creditor, whereas in the Mofussil the means and possessions of defendants are better known and the same facilities do not exist for their disposal, and apart from other good and sufficient reasons which exist, it would for this reason alone be extremely unfair to deprive Suitors in the Presidency Town of any benefit they may now enjoy, and further handicap them with the payment of a heavy ad valorem Institution fee.

The reason is that Suitors in the High Ct. ~~are~~ are charged much less relatively than those in Mofussil Courts

?

5. Your Memorialists further desire to point out that this question affects the three Presidency Towns of India equally, and submit that it is undesirable that any legislation on the point should be confined to the Town of Madras alone.

6. With reference to the proposed re-organization of the Original Side of the High Court and the appointment of one of the Appellate Registrars as Taxing Officer the first objection your Memorialists desire to put forward is, that the proposals submitted to Government have it is believed been so submitted without the consent or even the knowledge of the other Judges of the Court, and as under the existing Rules which have been sanctioned by Government the Registrar of the Original Side is the Taxing Officer, such Rules it is submitted cannot be altered or modified by the Chief Justice alone.

This is not a part of the scheme. The Dy. Reg. O.S. will be the taxing officer presumably

7. Your Memorialists without in any way desiring to interfere with

with any power of appointment of the Officers of the Court which (subject to the confirmation of Government) may be vested in the Chief Justice, feel that they are entitled both in their own behalf and on behalf of the Suitors of the Court, to protest against any other than a duly qualified person being appointed Taxing Officer: The duties of this Office require considerable experience of the conduct of business of an Attorneys office the working and procedure of the Original Side of the High Court, and also of the different principles upon which costs awarded to parties should be taxed, and in their opinion it is impossible for any other than a practising Barrister or Solicitor to fill this appointment without the risk of considerable injustice being done.

8. Your Memorialists also respectfully submit that both the profession and the Public are entitled to some certainty of procedure in connection with the Taxing of Costs, and that it is impossible that this certainty can be arrived at should a Civilian with no previous training or experience of the subject, and whose tenure of Office is unlikely to exceed more than a few years, be appointed Taxing Officer.

9. Your Memorialists also desire to point out that the Appointment of Registrar and Taxing Officer is the only appointment in the High Court of any value now held by a Member of the profession to which your Memorialists belong: until recently the appointment of Official Assignee was held by one of their number but on the occasion of its last vacancy this appointment was given to a Member of the Bar.

Mr Kernan replaced Mr Rowlandson

10. Your Memorialists further desire to point out that in England all Taxing Officers are Solicitors and it is believed the same state of things exists in Calcutta and Bombay .

11. So far as any substantial saving is concerned your Memorialists desire to assure Government that with due regard to efficiency any saving is practically impossible. The Original Side of the High Court is and has been for a number of years worked with an absolutely insufficient number of Officials, with the result that the progress of Suits is retarded, and Suitors are but too often -

prevented from realising any Decree they may have obtained. The establishment of the Original Side is as follows:-

1. The Registrar who is also Taxing Officer and Chief Clerk in Insolvency.
2. An Assistant Registrar who has to sit in Court during Original Side trials and who also has to pass all applications.
3. A Deputy Assistant Registrar who is also the Commissioner for the taking of Receivers and other Accounts and the Manager of the Office.
4. 19 Clerks.

12. The time of the Registrar and Taxing Officer is fully taken up in the settlement of the more important Decrees and Orders passed on the Original Side: in the taxation of Attorneys and Vakils Costs: in the work of the Insolvent Office and in passing the various judicial and non-judicial Orders provided for by the Rules and the rest of the Establishment has been found by your Memorialists to be altogether unequal to the efficient carrying out of the work of the Court; nor do your Memorialists see how it would be possible for the duties of a Taxing Officer to be added to those of either of the Appellate Registrars, it is well known to your Memorialists that owing either to want of time or some other cause no Decrees or Orders of the Appellate Court of any importance are prepared by the Appellate Registrar or his Staff, though this is supposed to be very object of his Office, but have to be prepared by the Judges themselves: Cases also are known where 3 months and more have elapsed between the presentation and the filing of an Appeal, and complaints are both loud and frequent as to the time that it takes to obtain even the simplest order passed on the Appellate Side.

i.e. the Reg. & the Dy Reg

13. Your Memorialists also desire to put before Government the view that should the administration of justice be further taxed as it would be by the levy of ad-valorem institution fees or further hampered by the appointment of other than a qualified person to an important post such as that of Taxing Officer the effect may be to

[G/9]
1,000—5-3-94.

Current No. 5935

Jud. DEPARTMENT.

Cl. No 5635/94.
G.O. 2338/9 : 26.9.94
G.O 2173 : 7.9.94 & this & papers
& 78 papers recd

From

The Hon. Secretary
Attorneys Association
Madras

Jud. Dept.

For orders
Ell
15/11

G.O. 232 31 Jan 1893
187 2? Jan 1893
525/6

No.

Dated 5 }
Received 6 } Nov 1894
Rep. 6 }
Enclosures 1

SUBJECT.

Forwarding a memorial from the Attorneys Association, Madras and requesting to have it placed before H. E. the Governor

R.O.
G.O. in para 6 please
d.
8/11

Retd from R.D. 13/11
Book taken from Sheristadar 13/11
Retd 13/11 with the remark that [illegible] not available

Bar Room,
High Court,
Madras,
11 December 1894.

6671

CHIEF SECRETARY
DEC 1894
GOVERNMENT OF MADRAS

From,

The Secretary,
Madras Bar Association,

To

The Honorable Mr. Price, C.S.I.
Chief Secretary to Government,
Fort Saint George,
Madras.

Sir,

I have the honor, in accordance with recent resolutions of the Madras Bar Association, to address you in regard to the following matters of Public importance relating to the City Civil Court.

For sometime past, it has been bruited about, more or less authoritatively, that an enhancement of the Jurisdiction of that Court is likely to be be sanctioned ere long and that such extension of Jurisdiction will lead to reorganization of the High Court. The grave importance of such a step can scarcely be overestimated.

The Association ventures to think that the Public would be glad to have the opinion of the legal profession in Madras upon the proposed changes and ~~to~~ hope that Government will ascertain the views and wishes of the Public and the opinion of the legal profession in this City before taking any step in the matter under consideration.

This Association respectfully asks Government for the information necessary to enable it to express an opinion with regard to any

Schemes

schemes the Government may have formulated or have in contemplation in respect to either or both of the Courts before such schemes are sanctioned or carried out.

I have the honor to be,
Sir,
Your most Obedt Servant,
C. Krishnan
Secretary

GOVERNMENT OF MADRAS REVENUE DEPARTMENT

Revenue Secretariat,

26. Nov 1894.

My dear Mr. Bliss

Butterworth has handed me your letter about Steavenson's pension, as the Pension Dept. is part of my work.

I gather from the Civil List that Steavenson

was born. 20. July. 42.

Entered service as officiating Regr. 25. Feb. 78.

Confirmed. 26. Feb. 80.

Pensionable service counts

from confirmation only, unless the appointment was vacant before that date. Therefore S: was between 37 & 38 when his qualifying service began.

1. If he retired on compensation pension on July 26. 95 he would have $15\frac{6}{12}$ years service & would get $15/60$ average emolument i.e. $15/60 \times 1500$ = R 375 per mensem or R 4500 = £393 „ 15 „ 0 (at 1/9.) per annum

2. If he retired on superannuation pension on July 20. 97 – i.e. when he attains 55 yrs – he would have 17 years odd of service & would get $17/60$ av: emolt: But art 521. C.S.R. would dock him of $\frac{8}{40}$ of the pension – so he would get –

$17/60 \times 1500 \times \frac{4}{5}$ = R 340 per mensem

or R 4080 = £357. per annum.

Therefore as you point out he would get less in 97 than in 95 – My figures are based on the supposition that Stevenson's services between 80 & 94 are qualifying – he may have had some breaks, but this is not likely & would not affect the result noted above – viz. that he will get more pension if forced to retire in 1895 than he would get in the ordinary course –

Yours sincerely

R. C. Carr

My dear Carr

Haven't you omitted to take art. 518(b) of the CSR into consideration? I mean the part of it which [illegible] – fixes maxima limits to pensions!

yrs

26/11/94

GOVERNMENT OF MADRAS REVENUE DEPARTMENT
Revenue Secretariat,
27 Nov 1894.

My dear Mr. Bliss

I fear that I must plead guilty to having given you completely wrong information yesterday — I altogether overlooked the limits prescribed in Art. 578 C.S.R. and am very sorry for the mistake.

After 15 years service the limit is R 3000 a year or R 250 a month.

After 17 years service

the limit is R 3400 or R 283 1/3 -
but from the latter sum the deduction of 8/40 has to be made under art. 521, and this brings the monthly pension to R 226 2/3 -

Therefore the result is the same - viz that Stevenson would get more pension if retired in 1895 than he would in 1897.

In Dr. Oppert's case the Govt. objected to the double reduction involved by the applicn. both of the limit and of the age rule, and India waived the latter (ie. the art. 521. rule) as a special case - It is hardly probable that a similar concession would be granted to Stevenson, because India was apparently reluctant to grant it to Oppert, whose case was a very strong one, in that he was a specialist. The papers are put up herewith for reference.

Yours sincerely

R.C.C. Carr

GOVERNMENT OF MADRAS

with Origl of SO 498/95

Novr. 24 1894

My dear Butterworth

Will you kindly have worked out for me the amt. of pension which Stevenson would get

1. If retired on reduction of pay of office, from (say) July 20, 1895 — & given a compensation pension

2. If retired on a superannuation pension on attaining the age of 55 on July 20, 1897.

I make out that, because of the effect of art. 521 C.S.R., he would get less in 97 than in 95; but should like an independent calculation —

Don't put this into the office please, but treat it as confidential

Yours truly

H. W. Wils

The amount of pension might as well be stated in sterling as well as in rupees.

CURRENT No. 667/1

Judl Dept

Ct No. 5635/94

From

The Secretary

Madras Bar Association

urgt

Dated 11/12 }
Recd 14/12 } 1894
Regd 15/12 }

Subject

Requesting that Govt. may ascertain the views & wishes of the Public & the opinion of the legal profession in this City, before taking any step in the contemplated enhancement of the jurisdiction of the City Civil Court.

Ct. No 5635/94

G.O. 2338/9: 26.9.94 Sc

High Court - re-orgn

Letter from the Madras Bar Association

H.M.

For orders

Please see para: 4 of G.O: Dt: 26. Septr: 94: No 2338: Jud: High Court re-organisation papers, are in Circulation Circd in continuation of previous papers.

Ek
17.12

Jnd 19 Dec

22/12/94.

I heard from a reliable source that this letter does not represent the views of the bar of Madras generally - but of a very limited section of it. Jnd

22/12.

[G.
25.]
100—10-10-94.

Judl DEPARTMENT.

Nos 5908 & 5935.

From

Dated 189 .

from the Chamber of Commerce d/ 3.11.94

from the Attorneys' Assoc d/ 5.11.94

FOR ORDERS.

C. No. 5908 is returned to H.M. as ordered & with it is submd C. No. 5935.

2 In the former the Chamber of Commerce prays that no change may be made in the organization of the establishment of the Original Side of the High Court until it has had its say in the matter.

3. The latter is from the Attorneys Association & deals with three matters, to wit:—

(1) the enlargement of the jurisdiction of the City Civil Court;

X: (2) the substitution of fees levied in accordance with Act VII of 1870 for those now levied in the High Court;

(3) the reorganization of the Original Side of the High Court.

X: From what I hear the Attorneys have an idea which has not unnaturally alarmed them, viz: that if the Court Fees' Act scale of fees is introduced, the scale of fees prescribed by Rules made under the Legal Practitioners Act XVIII of 1879 will also be introduced. But I am assured both by the C.J. & by Mr Just. Parker that nothing of the kind will be done. In this connection it may be noted that, as I am informed, Vakils who conduct suits on the Orig. Side of the H.C. are even now restricted to the scale of fees in question. H.S.

It would be premature to discuss the former two questions until Govt. is in possession of the High Court's views on the subject, but the third calls for a few remarks.

The Association is under the misapprehension that the proposed reorganization of the O.S. involves the transfer of the Taxing Officer's duties to "one "or other of the Appellate "Registrars".

If this transfer were a portion of the scheme, the petitioners would have a valid grievance, for it is not to be supposed that a junior Civilian will be able to tax Attorneys' bills in a satisfactory manner.

Under the new scheme, there will be a Deputy Registrar on [illegible] R1000 on the O.S. & the pay was fixed at this figure with the special object of attracting a good Attorney [illegible] (vide para. 4 H.C.'s letter on p. 6 of G.O. of 14/5/87 No. 1027 Jud. & para. 5 of said G.O.).

There is thus no reason to apprehend that the taxation of costs will be entrusted to an unskilled man.

Yes – we can now only deal with (3). As to (1) & (2) we had better say that these matters have not yet been considered & that a further communication will, if necessary, be made when we do proceed to consider them.

W
21 Feb

HS

JG
18/2

HS

This is the arrangement the C.J. has actually made HS

Too low a figure, I think HS

If, however, the petitioners desire that Govt. should pledge itself that taxation shall be performed by the new Dy. Registrar on the O.S., it will have to be considered whether Govt. can legally give such a pledge.

According to the High Court (see letter read in G.O. of 31 Jan 93, No. 232 Jud.), the Court has authority to fix the fees leviable on its O.S. by virtue of the Letters Patent of 26 Dec. 1800 (see p. 93 of volume of Charters etc. at foot). If this is the case, there seems to be no statutory declaration of the person who possesses authority to appoint the Taxing Officer on the O.S.

But it seems highly probable that the High Court is wrong & that Govt. was right when it remarked (G.O. of 25 Jan 1893, No. 187, Jud.) that the authority for fixing the fees on the O.S. is contained in sec. 15 of 24 & 25 Vic. C. 104. I say it is highly probable having regard to sec. 3 of Act VII of 1870 which refers explicitly to sec. 15 of the said Statute & which is explained in the marginal abstract to refer to the fees levied on the O.S.

The power given in the Charter of 1800 is "to settle a table of the fees to be allowed to such Sheriff, attornies, and all other the clerks and other officers aforesaid, for all and every part of the business to be done by them, respectively, which fees . . . . the said Sheriff, attorneys, clerks & other officers, shall & may lawfully demand and receive" [The underlining is mine]. If this does not mean that the Sheriff &c are to demand and receive for their own use, I do not know the meaning of language. There is nothing here about fixing fees to be paid to the Court, i.e., to the Govt. HS

But the wording of S. 15 is much the same as the above – See also my note on Mr. Foster's d.o. of 13.2.95 HS

And much the same may be said of this S. 3
HS

The question whether sec. 15 or sec.* 9 is the proper one was discussed by the Hon Sir H. E. Stokes & the Hon. Mr Garstin in their notes under cover of G.O. of 7 Mar. 1893, No. 505, Ind., but this point about sec. 3 of Act VII of 1870 escaped notice.

As remarked above, the said sec. 3 gives strong support to the view that sec. 15 of the Statute applies to the fees leviable on the O.S. & if this be so, then it is plain that Govt. has no power to interfere in the appointment of Taxing Officer, for sec. 5 of Act VII of 1870 distinctly declares that the Chief Justice shall declare who shall be the Taxing Officer in the event of differences^×^ in regard to fees. If course, if sec. 3 of the Act does not apply to fees on the O.S., then neither does sec. 5, & the question who may appoint the Taxing Officer on the O.S. remains undetermined. On turning to Rule 362 of the Rules of Practice for the O.S. (not put up as being in a large Gazette file), it will be found that the High Court has itself adopted the view that sec. 3 of Act VII of 1870 applies to the O.S.;

* in other words, the L.P. of 1800.

Sec. 9 simply refers back to the letters patent ~~[illegible]~~ & they either contain nothing or simply refer back to the Charter with which I have dealt above

WS

× Yes - differences - But between whom? Between the officer whose duty it is to see that fees are paid and any suitor or attorney, no more. I can find no provision for determining disputes which arise in the taxation of costs, using the words in their ordinary sense, that is, as referring to disputes between party and party. The only ~~other~~ mentions I have been able to find of taxation are in 26 & 27 Vic. Cap. 24, S. 19 and S. 634 of the C.P.C., but in both these cases taxation is spoken of as an established process & nothing is said of the particular person by whom that process is to be conducted or of the authority by whom that particular person is to be appd. - On the other hand, there is no limitation to the power given to the C.J. in section 8 of the amended charter of 1865 (p. 143 of the book) to appoint clerks and ministerial officers. I don't know if a taxing master can be called a ministerial officer. I should say not, for his functions seem to me to be at least quasi-judicial - But it is certain that, rightly or wrongly, the C.J. has exercised the power of appg the taxing master from the beginning, and (in my opinion) equally certain that the Govt. neither desires nor is altogether competent to exercise such a power - I have no objection therefore to the course suggested at the end of this note, vizt. that the Attorneys' Assn ~~should~~ (and also the Chamber

of Commerce [C. No. 5908] and the Bar Assn. [C. No. 6671])

should be told that the appt. of Taxing Master lies with the C.J. - This statement should, however, be prefaced by a short statement of the alterations which it

Are they were ~~[illegible]~~ clearly wrong, for S. 5 does not apply to all differences arising on the O.S.

WS

is proposed to make in the Rules [C. Nos. 5635 & 6491], and the three bodies above noted should be told that their remarks thereon are invited. Then, after waiting 10 days or a fortnight, we can proceed to pass orders.

We told the Hon Mr Arbuthnot the other day in Ct. that we would give the public an opportunity of expressing their views before we proceeded to legislate or something of that kind. I don't think that we said we would consult them as to a mere change in the H.C. Rules, nor do I think that it is necessary that we shd do so. But I don't think it will do any harm to do so & it will give satisfaction that we should do so.

W
21 Feb

WS

J G

I can't even find the legal power to prescribe fees at all, other than the particular ones specified in the Charter of 1800. But ~~[illegible]~~ this particular point can of course lie over for the present, until we deal with (2) on p. 1 of the note

WS

for the said Rule 362 runs "The Regr of the H.C. on the O.S. is the taxing officer within the meaning of the first paragraph of sec. 5 of the Court Fees Act (VII of 1870) in all differences arising on the O.S."

It was also pointed out in G.O. of 31 Jan 93, No. 232, Ind., that on three occasions (viz in 1862, 1874 & 1891) the High Court expressed the opinion that sec. 15 of the Statute applies to fees on the O.S.

Moreover, if the authority to prescribe fees for the O.S. is contained in the Letters Patent of 26 Dec. 1800, it is necessary that the High Court should transmit to Her Majesty copies of all amendments made in the scale of fees on the O.S. & if, (as is probable), this has not been done hitherto, it is questionable whether the amendments made from time to time are legal (vide p. 94 of the ~~[illegible]~~ volume of Charters).

It is subm.d that the Association should accordingly be informed that, so far as the G. in C. can ascertain, the appointment of Taxing Officer on the O.S. is entirely at the discretion the C. J. & at the same time the attention of the H. C. should be drawn to the various arguments which seem to render untenable [illegible] its view that sec. 15 of 24 & 25 Vic. C. 104 has no bearing on the fees levied on the O. S.

The Association's request that it should have an opportunity of expressing an opinion as to the proposed re-organization of the O. S. seems reasonable & when it learns that there will be a separate Dy. Reg. for the O. S. who will doubtless be the taxing officer, the Association will probably see that its apprehensions are baseless.

As to the complaint in para. 15 of the Memorial, attention is invited to G.O. dy 7 March 1893, No. 505, Ind. Govt. therein suggested that items 4, 8, 23 & 33 for which discretionary rates were formerly allowed should be included in Rule 1 so as to admit of a reference to a Bench of Judges when [illegible] the maximum fee admissible under the revised Rules proved inadequate.

It was pointed out some

months after that the High Court had not acted on this suggestion but Sir H. E. Stokes merely observed "They have not "replied yet. They may do "so". (v. under cover of G.O. dy 15 Sept. 1893, No. 1885, Ind.). It appears that the High Court has even yet taken no steps to meet the views of Govt. & it seems advisable to invite its attention to para. 15 of the Memorial & ask the Hon. the Judges whether they see any objection to the adoption of the proposal made in G.O. dy 7 March 93, No. 506, Ind. They will probably reply that they do object &, if so, Govt. cannot apparently do anything; but it will have discharged its duty at all events.

19 Nov

21/11/94

We may do this, I think—
For the future, let us take care not to sanction any rules or fees the H. C. proposes without consulting the legal profession

14/2/95

21 Feb

Noted

Reorganization of High Court

H.M. and Circ!

(For Orders)

c.24

R 22/2/95

[G./24]
100—20-12-94.

Judl. DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 18 , No.

Again G.O., dated 18 , No.

A { Current No. 5908 of 1894, dated 3 Nov. from the Chairman of the Chamber of Commerce

5935 —— 5 Nov. from the Hon. Secy. Attorneys' Assoc., Madras.

Current No. 6671 of 1894, dated 11 Nov from the Secy, Madras Bar Assocn. }

JG 4/3

HA 1/3/95 Subject to remarks below

W. 5 Mar

Note Circ

This is marked again for H.M. with reference to his suggestion that the pay of the Dy. Regr. O.S. should be fixed at R1000–50–1500. To this there seem to be two objections. First, the Dy. Regr. may happen to draw more than the Regr. & second, if the pay is fixed as proposed, Mr. Stevenson will, apparently, be entitled (under Arts. 171 & 173 C.S.R.) to draw R1500 straight away & there may, therefore, be some difficulty in getting rid of him.

I don't think this would matter much but this would be a serious matter. HA

It is understood that the issue of orders on C. Nos. 5635 & 6491 is to be deferred until the Chamber & the two Associations reply to this G.O.

I think so HA W.

It is understood also that H.M. thinks it inadvisable to say anything in this G.O. regarding the statutory authority for fixing fees, ~~[illegible]~~ With reference to H.M.s remarks about the calculation of the Registrar's pay, attention is invited to Art. 43 & 164 C.S.R. which seem to show that the average arrived at by me (R1712–) is correct; the Regr. is a Ministerial Officer.

yes, but see below. HA

I took the other way HA

Ww 25 Feb.

I have taken out all the [illegible] as being unnecessary.

Order 7th March 1895, No. 498

P.S.

In the first of the communications read above, the Chamber of Commerce requests Govt. to give it an opportunity of expressing its ~~views~~ opinions, before any steps are taken with a view to the reorganization of the Establishment of the Original Side of the High Court.

In the second, the Attorneys' Association deals with three questions, to wit:—

(1) the enlargement of the jurisdiction of the City Civil Court;

(2) the substitution of fees levied in accordance with Act VII of 1870 (The Court Fees Act) for the scale of fees now in force in the High Court;

(3) the reorganization of the Establishment of the Original Side of the High

Court.

In the third, the Madras Bar Association expresses the hope that Govt. will communicate to it any schemes affecting the High Court or the City Civil Court which may be under consideration.

2. Regarding the extension of the jurisdiction of the City Civil Court & the introduction into the High Court of the fee-system prescribed in Act VII of 1870, the Govt. is not, at present, in a position to afford any information to the memorialists; inasmuch as these matters have not yet been considered by H.E. in C. The requests of the memorialists will, ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ however, be borne in mind. ~~[illegible]~~

3. ~~The~~ scheme for the re-organization of the establishment of the ~~Original Side of the~~ High Court is now before Govt. It has been proposed by the Hon. the ~~Judges~~ Chief Justice that the establishment ~~[illegible]~~ should be ~~[illegible]~~ modified as indicated below:—

Is this correct? I think Govt. I understand the Judges as a body have nothing to say to this Estab., all power over which is reserved to the C.J. — If so, for "the Judges", read "the Chief Justice"

WS

Yes, it should be 'the Chief Justice'

Yes W.

JG 4/3

4/3

Present Scale	
Registrar, Appellate Side,	R1,600.
Registrar, Original Side,	R. 1,500.
1st Asst. Regr., Orig. Side,	R. 500
2nd Asst. Regr., Orig. Side,	R. 325
Chief Interpreter	R. 400
Deputy Interpreter	R. 250
Persian Interpreter	R. 250

Proposed Scale	
Registrar, High Court,	R. 1450–1800
Deputy Regr., Orig. Side,	R.1,000
Asst. Regr., Orig. Side,	R. 400–500
Chief Interpreter,	R. 250
Deputy Interpreter,	R. 175
Persian Interpreter,	R. 200

Note

I should not draw attention to the insufficiency, as I think it, of the scale of pay proposed for the Dy Regr. O.S. The attorneys know ~~[illegible]~~ better than we do what an attorney is worth. Let them make a move. It is also worth considering whether, if the effect of giving the Dy Regr. O.S. more pay will be to keep Mr. Stevenson on, it will be wise to say anything at all about higher pay, for the effect wd. be to wreck the whole scheme. Not that I should grieve much if the whole scheme were wrecked, for I am not greatly in love with it. But the C.J. is, and his predecessors have been, and I suppose they know something about it; and the C.J. wd. throw up the scheme at once, I imagine, if it did not enable him to get rid of Mr. Stevenson. I wd. alter this para as shown in red ink.

WS

X Note With ref. to the marginal note above, perhaps the words in brackets should be omitted.

W.

JG

Appointments not mentioned in the above table would, for the present at all events, be unaffected. ~~[illegible]~~

4. As at present advised, the Govt. is disposed to regard the proposed scale with favour ~~Except~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ (~~[illegible]~~ in so far as it relates to the pay of the Deputy Registrar, Original Side, which should, H.E. in C. is inclined to think, be raised [from R.1,000 to ~~R.1,000–50–1,500. The Govt.~~] but will ~~however~~ defer taking steps to carry it out ~~suggesting this alteration in the proposed scale to the Hon. the Judges of the High Court~~ until the Chamber of Commerce & the Attorneys' & Bar Associations have had an opportunity of ~~intimating~~ their views thereon ~~on the scheme of re-organization. The three bodies mentioned~~ which they are ~~will be~~ requested to furnish do ~~Govt. with their opinions~~ within a fortnight of the receipt of this Order.

5. The Attorneys' Associati

is under a misapprehension as to the application of the scheme to the Taxing Officer. It is no portion of the scheme, as laid before Govt., to impose the duties of the Taxing Officer upon one of the officers on the Appellate Side. On the contrary, the Govt. presumes that these duties would be performed by the Deputy Registrar on the Original Side. In any case, the Govt. has no power to specify the person who shall tax costs; that is a matter for the Chief Justice to decide.

6. Paragraph 15 of the memorial from the Attorneys' Assocn. will be brought to the notice of the High Court & the Hon. the Judges will be invited to state whether they have any objection to the adoption of the proposal contained in Ld. letter of 7 Mar. 1893, No. 506.

(From orders)

FD 28/2/95

W 25 Feb.

To the Chairman, Madras Chamber of Commerce. with 1 SC.

Hon. Sec., Madras Attorneys' Assocn. with one SC

Secy. Madras Bar Assocn. with one SC.

The Hon the C.J. with C.L. with 5 SC

Wo W. 6 Mar

C1/3 C4/2

R 21/3

Marked Urgent as other papers awaits disposal of this

High Court Establishment

E

Note Regarding this, please see Mr. Foster's further letter of the 15th Feb. It will be seen that the Taxing Officer is appointed under the general authority conferred by para. 8 of the Letters Patent of 1865.

P.S.

Note

As to the fee question, I have failed to satisfy myself as to the authority under which these fees are fixed which are paid to the Court itself, but not to the Sheriff, attorneys & officers of the Court. I think it wd. be as well to ask India what view it takes in this matter.

Perhaps a D.O. had better go to the Registrar first; if he fails to supply information, India can be asked.

7TH MARCH 1895, No. 498, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

From the Honorable Mr. J. A. BOYSON, Chairman, Chamber of Commerce, Madras, to the Chief Secretary to Government, dated 3rd November 1894.

As the Chamber views with grave concern the persistent rumours that now prevail as to impending changes on the Original Side of the High Court of Madras, which changes will result in its virtual abolition, I have been directed to address you and to express the hope that, if there is any truth in those rumours, the Government will be good enough to give the Chamber an opportunity of expressing its views before any definite or irrevocable action is taken in the matter.

From J. SHORT, Esq., Honorary Secretary, Attorneys' Association, Madras, to the Chief Secretary to Government, dated 5th November 1894.

I have the honour to forward, herewith, a memorial from the Attorneys' Association, Madras, which please be good enough to place before His Excellency the Governor as early as possible.

ENCLOSURE.

Memorial from the ATTORNEYS' ASSOCIATION, of Madras, to His Excellency Lord Wenlock, Governor in Council, dated 5th November 1894.

Your memorialists have had their attention called to G.O., No. 2338, Judicial, of the 28th of September 1894, upon the "report on the administration of civil justice in the Madras Presidency for the year 1893," from the last two paragraphs of which it is observed that Government suggest:—

(1) That the jurisdiction of the City Civil Court might be increased up to Rs. 5,000 in value.
(2) That institution fees calculated in accordance with the Court Fees Act of 1870 should be substituted for the scale of fees now leviable in the High Court.
(3) That, in view of the decrease of work on the Original Side of the High Court, a reorganization of its establishment, with a view to a saving being effected, should be carried out.

2. Your memorialists are also informed that certain proposals have recently been submitted to Government by his Lordship the Chief Justice providing in part for the reorganization of the establishment of the Original Side, and that one portion of such scheme is to divest the Registrar of his duties as taxing officer and give such duties to one or other of the Appellate Registrars.

3. With reference to the suggested increase of the jurisdiction of the City Civil Court your memorialists trust that no attempt will be made to give effect to it until the City Civil Court has had a far longer trial than it has at present. Your memorialists cannot agree that, from the point of view of many of the suitors, the Court has by any means proved a success. Their experience is that it takes almost as long to obtain a decree in any defended suit as it does in the High Court and longer in an undefended suit, and that in all contested cases of any importance the cost to the successful party is infinitely greater than it would be in the High Court, and for this reason that in the City Civil Court a defendant, who raises frivolous and untenable defences, can do so at no increased expense to himself. The fixed fee calculated upon the amount in dispute

represents the total cost to which he can be put, so that the result often is that the successful party only obtains his decree at very considerable cost to himself. There is a suit proceeding at the present moment in the City Civil Court which is a very useful object lesson in this connection. The suit * in question is on a promissory note, the defence being that the party who signed the note in the name of the defendants' firm was not a partner and had no authority to sign. The value of the suit is Rs. 2,000 and the fee to which the successful party will be entitled is Rs 100. The case has already lasted seven days and will probably last four more, and the cost to either party may safely be said to be not less than Rs. 600 though at the same time the sole liability of the unsuccessful party will be Rs. 100, but had this suit been filed in the High Court whatever expense the plaintiffs were put to would be recoverable from the defendants. Your memorialists also observe that a very large percentage of the cases disposed of in the City Civil Court consists either of suits relating to land of very trifling value or suits for libel, malicious prosecution and other suits not cognisable by the Small Cause Court, and it by no means follows as a necessary consequence that, because the Court has been found a convenience to the public interested in this description of litigation, it would be found equally convenient when applied to suits up to Rs. 5,000 which would most likely include suits necessitating the taking of accounts, *e.g.*, administration suits, partnership suits, &c., for which the Court has at present no establishment, and also mercantile suits involving principles of considerable importance.

4. With reference to the proposal to substitute for the existing institution fees those leviable under the Court Fees Act, your memorialists venture most respectfully to protest against any such alteration. The privilege of litigating under the existing scale of institution fees allowed for the High Court is one in respect to which no good reason has yet been shown for depriving the City of Madras of, and your memorialists believe that any such alteration would work considerable hardship upon the suitors of the Court and in many cases have the result of altogether prohibiting litigation. It must be remembered that the class of suits in the presidency towns are altogether different to those in the mufassal. They are for the most part mercantile or quasi-mercantile suits. The defendants are generally parties engaged in trade and but seldom possessed of landed property, their assets mostly consisting of stock in trade easily disposed of without the knowledge of the creditor, whereas in the mufassal the means and possessions of defendants are better known and the same facilities do not exist for their disposal, and, apart from other good and sufficient reasons which exist, it would for this reason alone be extremely unfair to deprive suitors in the presidency town of any benefit they may now enjoy, and further handicap them with the payment of a heavy *ad valorem* institution fee.

5. Your memorialists further desire to point out that this question affects the three presidency towns of India equally, and submit that it is undesirable that any legislation on the point should be confined to the town of Madras alone.

6. With reference to the proposed reorganization of the Original Side of the High Court and the appointment of one of the Appellate Registrars as taxing officer, the first objection your memorialists desire to put forward is that the proposals submitted to Government have, it is believed, been so submitted without the consent or even the knowledge of the other Judges of the Court, and as, under the existing rules, which have been sanctioned by Government, the Registrar of the Original Side is the taxing officer, such rules, it is submitted, cannot be altered or modified by the Chief Justice alone.

7. Your memorialists, without in any way desiring to interfere with any power of appointment of the officers of the Court which (subject to the confirmation of Government) may be vested in the Chief Justice, feel that they are entitled both in their own behalf and on behalf of the suitors of the Court to protest against any other than a duly qualified person being appointed taxing officer. The duties of this office require considerable experience of the conduct of business of an attorney's office, the working and procedure of the Original Side of the High Court, and also of the different principles upon which costs awarded to parties should be taxed, and, in their opinion, it is impossible for any other than a practising barrister or solicitor to fill this appointment without the risk of considerable injustice being done.

8. Your memorialists also respectfully submit that both the profession and the public are entitled to some certainty of procedure in connection with the taxing of costs, and that it is impossible that this certainty can be arrived at should a civilian, with no previous training or experience of the subject and whose tenure of office is unlikely to exceed more than a few years, be appointed taxing officer.

9. Your memorialists also desire to point out that the appointment of Registrar and Taxing Officer is the only appointment in the High Court of any value now held by a member of the profession to which your memorialists belong. Until recently the appointment of Official Assignee was held by one of their number, but on the occasion of its last vacancy this appointment was given to a member of the bar.

10. Your memorialists further desire to point out that in England all taxing officers are solicitors and it is believed the same state of things exists in Calcutta and Bombay.

11. So far as any substantial saving is concerned your memorialists desire to assure Government that, with due regard to efficiency, any saving is practically impossible. The Original Side of the High Court is and has been for a number of years worked with an absolutely insufficient number of officials, with the result that the progress of suits is retarded and suitors are but too often prevented from realizing any decree they may have obtained. The establishment of the Original Side is as follows:—

---

* C.S. 127 of 1894.

(1) The Registrar who is also taxing officer and chief clerk in insolvency.
(2) An Assistant Registrar who has to sit in Court during Original Side trials and who also has to pass all applications.
(3) A Deputy Assistant Registrar who is also the commissioner for the taking of receivers and other accounts and the manager of the office.
(4) Nineteen clerks.

12. The time of the Registrar and Taxing Officer is fully taken up in the settlement of the more important decrees and orders passed on the Original Side; in the taxation of attorneys' and vakils' costs; in the work of the insolvent office and in passing the various judicial and non-judicial orders provided for by the rules and the rest of the establishment has been found by your memorialists to be altogether unequal to the efficient carrying out of the work of the Court; nor do your memorialists see how it would be possible for the duties of a taxing officer to be added to those of either of the Appellate Registrars; it is well known to your memorialists that, owing either to want of time or some other cause, no decrees or orders of the Appellate Court of any importance are prepared by the Appellate Registrar or his staff though this is supposed to be very object of his office, but have to be prepared by the Judges themselves; cases also are known where three months and more have elapsed between the presentation and the filing of an appeal, and complaints are both loud and frequent as to the time that it takes to obtain even the simplest order passed on the Appellate Side.

13. Your memorialists also desire to put before Government the view that, should the administration of justice be further taxed as it would be by the levy of *ad valorem* institution fees or further hampered by the appointment of other than a qualified person to an important post, such as that of taxing officer, the effect may be to altogether defeat the object of Government so far as the increase of its revenue is concerned by driving litigants altogether away from the Courts, forcing them to have recourse to private arbitration.

14. Your memorialists feel confident that, under the above circumstances and looking to the importance of the proposed changes, nothing will be sanctioned until full opportunity has been given for their discussion, but, as special reasons may be alleged in this case as necessitating immediate action, your memorialists have thought it advisable to place their views before Government at as early a date as possible.

15. With reference to the matters referred to in paragraphs 6 to 12 your memorialists more particularly desire that this request may be granted, as it will be remembered they have already suffered very severely by the rules of the High Court and the scale of fees being altered without any previous notice being given to them. In this connection it will be remembered that the Notification of the 25th day of January 1893, sanctioning the amended scale of fees, was passed by Government upon a distinct representation that it did not in any way interfere with your memorialists, though, as a fact, it did interfere and has interfered with them very considerably; also that such amended scale was submitted by the High Court in the absence of one of its Judges and against the views of another, and further that, on their subsequently memorialising His Excellency the Governor in Council, they received a reply to the effect that, though such notification could not be cancelled, he had suggested to the High Court that the four items regarding which complaint was specially made should be included in rule 1 (which provided for a reference to two Judges where the fees allowed under certain items were considered inadequate) until such time as the whole scale of fees was amended; but your memorialists desire to bring to the knowledge of Government that up to date no such fresh scale of fees has ever been prepared nor have the items referred to above been included in rule 1 and they are still subjected to the same injustice of which they complained in January 1893.

From C. KRISHNAN, Esq., Secretary, Madras Bar Association, to the Chief Secretary to Government, dated 11th December 1894.

I have the honour, in accordance with recent resolutions of the Madras Bar Association, to address you in regard to the following matters of public importance relating to the City Civil Court.

For some time past it has been bruited about, more or less authoritatively, that an enhancement of the jurisdiction of that Court is likely to be sanctioned ere long and that such extension of jurisdiction will lead to reorganization of the High Court. The grave importance of such a step can scarcely be over-estimated.

The association ventures to think that the public would be glad to have the opinion of the legal profession in Madras upon the proposed changes and hopes that Government will ascertain the views and wishes of the public and the opinion of the legal profession in this city before taking any step in the matter under consideration.

This association respectfully asks Government for the information necessary to enable it to express an opinion with regard to any schemes the Government may have formulated or have in contemplation in respect to either or both of the Courts before such schemes are sanctioned or carried out.

ORDER—dated 7th March 1895, No. 498, Judicial.

In the first of the communications read above, the Chamber of Commerce requests Government to give it an opportunity of expressing its opinions, before any steps are taken with a view to the reorganization of the establishment of the Original Side of the High Court.

In the second, the Attorneys' Association deals with three questions, to wit:—

(1) the enlargement of the jurisdiction of the City Civil Court;

(2) the substitution of fees levied in accordance with Act VII of 1870 (The Court Fees Act) for the scale of fees now in force in the High Court;

(3) the reorganization of the establishment of the Original Side of the High Court.

In the third, the Madras Bar Association expresses the hope that Government will communicate to it any schemes affecting the High Court or the City Civil Court which may be under consideration.

2. Regarding the extension of the jurisdiction of the City Civil Court and the introduction into the High Court of the fee-system prescribed in Act VII of 1870, the Government is not, at present, in a position to afford any information to the memorialists, inasmuch as these matters have not yet been considered by His Excellency in Council. The requests of the memorialists will, however, be borne in mind.

3. A scheme for the reorganization of the establishment of the High Court is now before Government. It has been proposed by the Honorable the Chief Justice that the establishment should be modified as indicated below:—

Present scale.	RS.	*Proposed scale.*	RS.
Registrar, Appellate Side	1,600	Registrar, High Court ..	1,450—1,800
Do. Original do.	1,500	Deputy Registrar, Original Side	1,000
First Assistant Registrar, Original Side	500	Assistant Registrar, Original Side	400—500
Second Assistant Registrar, Original Side	325	Chief Interpreter	250
Chief Interpreter	400	Deputy do.	175
Deputy do.	250	Persian do.	200
Persian do.	250		

Appointments not mentioned in the above table would, for the present at all events, be unaffected.

4. As at present advised, the Government is disposed to regard the proposed scale with favour, but will defer taking steps to carry it out until the Chamber of Commerce and the Attorneys' and Bar Associations have had an opportunity of intimating their views thereon which they are requested to do within a fortnight of the receipt of this order.

5. The Attorneys' Association is under a misapprehension as to the application of the scheme to the taxing officer. It is no portion of the scheme, as laid before Government, to impose the duties of the taxing officer upon one of the officers on the Appellate Side. On the contrary, the Government presumes that these duties would be performed by the Deputy Registrar on the Original Side. In any case, the Government has no power to specify the person who shall tax costs; that is a matter for the Chief Justice to decide.

6. Paragraph 15 of the memorial from the Attorneys' Association will be brought to the notice of the High Court and the Honorable the Judges will be invited to state whether they have any objection to the adoption of the proposal contained in Judicial letter dated 7th March 1893, No. 506.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Chairman, Madras Chamber of Commerce.
„ Honorary Secretary, Madras Attorneys' Association.
„ Secretary, Madras Bar Association.
„ Honorable the Chief Justice with C.L.

Govt. of {1895} Madras.

JUDICIAL.

Issued.

Recd.

Encl.

Press:

Send 30 copies please –
4 for signature – but
we have soon print
of the current regarding
High Court fees
Civil Court
sent the other
day
9/3

G.O., 7th March 1895, No. 498.

MARCH.

High Court Establishment.

Calling for the views of the Chamber of Commerce and the Attorneys' and Bar Associations on a scheme for reorganizing the establishment of the Original Side of the High Court.

HIGH COURT OF JUDICATURE
MADRAS

High Court
13.2-55

My dear Satyamurthi,

Appeals from the O.S. do not come within the provisions of Sec 6 of the Court Fees Act – They are appeals from the judgment of One judge in the exercise of ordinary civil original jurisdiction –

The fees levied are prescribed by the High Court under the High Courts Act, sec 15 — See Schedule at the end of the O.S. rules —

Yours sincerely

The cases enquired about were appellate cases. It is not clear therefore how they can be dealt with under the O.S. rules. Moreover, S. 15 of 24 & 25 Vic. Cap 104 deals only with the appellate side of the H.C. & has nothing to do with the orig. side. It is also to be noticed that it simply empowers the H.C. to "settle tables of fees to be allowed to the sheriff, attorneys, and all clerks & officers of Court" & does not deal with the fees to be paid to the Ct. itself i.e., to the Govt.

14/2/95

HIGH COURT OF JUDICATURE
MADRAS

18. 2. 85

My dear Hutchins,

Sec. 8 of the Letters Patent: the authority under which officers of the High Court are appointed by the C.J. – Since the date of the Letters Patent I believe there has never been a separate office of Taxing Officer, O.S. – That work has usually been done by an officer holding another appointment, and of course it is for the C.J. to dis-

weight the work of the Court
amongst the several officers -

Yours sincerely