

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 754

Dated 9th Apr 1895

INDEXED.

[Despatch Abstract.]

HIGH COURT.

Recording letter from the Secretary, European and Anglo-Indian Defence Association, forwarding for submission to the Government of India a letter addressed to that Government regarding certain changes in the establishment of the original side of the ---.

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

BACK PAPERS.

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

FURTHER PAPERS.

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

[6/9]

Current No. 1591

judg DEPARTMENT.

From

The Secretary,

E & A. I Defence Assoc.

N. Order
miss.

Recorded.

4/4

No. 541.

Dated 26 } March/95.
Received 30 }
recd 30 }
Enclosures - one.

N.

Order 9 April/95 No 754

miss

Recorded.

6/4

SUBJECT.

*Forwarding a letter for
submission to the Govt. of India
re the establishment of the
Original Side of the H.C.*

*No. copy of the
order need be
com. to file*

*This may avoid return from
of H. C. reply b/c 492 37.3.95*

1/4

N^o 540.

To,
The Secretary to the Government of India,
Home Department.

European and Anglo-Indian Defence Association
The 26th March 1895.

Sir, The Council of this Association have received from the Chamber of Commerce at Madras certain papers relating to changes which it appears are under the consideration of the Madras Government, and which if carried into effect will further reduce the Jurisdiction of the Original side of the High Court in Madras.

2. Among these papers are extracts from the Administration Report on Civil Justice in the Madras Presidency in 1893 and from the G.O. thereon dated the 26th September 1894.

3. This Administration Report reviews the proceedings of the recently constituted City Civil Court and upon the admittedly inadequate experience of one year, declares not only that the Court has already justified its creation but goes on to say that had the jurisdiction of the new Court been fixed as originally proposed by the Secretary of State at Rs 5000 the relief to the file of the High Court would have been much greater and would have enabled 5 Judges to cope with the work in the High Court without undue pressure. The G.O. accepts this opinion and then intimates to the judges of the High Court,

that with their consent (as if the Judges consent alone was necessary for so great a change) the Government of Madras is prepared to take into consideration the question of raising the jurisdiction of the City Civil Court.

4. These extracts prove, if indeed proof were needed, that the Madras City Civil Court was not established as was professed at the time, in the interests of the poorer suitors living in the out-lying villages of Madras, but within the jurisdiction of the Original side of the High Court, who were stated to be suffering from a practical denial of justice as they could not afford the expense of a High Court suit.

5. This Council are not satisfied that relief of the High Court file has alone suggested the further change that is now under consideration.

6. They beg respectfully to urge that such relief can more properly be given by bringing up that Court to its full strength as provided in the charter. Should the Court thus strengthened, be found in the future still unable to cope with the litigation (for it must naturally be expected that as population and trade increase, the volume of litigation will also increase) the proper remedy will then be the obtaining of a new Charter under authority from Parliament for the further enlargement of the High Court, and not the curtailment of its jurisdiction by the transfer of a portion of its business to an inferior yet more costly tribunal.

7. This Council representing as it does members resident in Madras, as well as in the other Presidencies, therefore join the Madras Chamber of Commerce in protesting against the changes contemplated by the Government of Madras. They hold that such changes must necessarily diminish the importance and lower the status of the High Court, whilst they consider it of the greatest moment that the status of the High Courts shall be maintained unimpaired whether in their original or appellate jurisdiction, and this as well in the interests of Government as of the Public. Confidence in the honesty and good intentions of Government can scarcely be preserved, if subordinate courts are substituted for the High Courts and if men of less learning and independence (a natural consequence of smaller emoluments and of their appointment and tenure of their office being in the hands of the Executive Government) take the place of men highly trained in the Home Courts and appointed directly by the Crown to the several High Courts in India. Courts to which the communities of the Presidency Towns consider that they have now from long possession an established right.

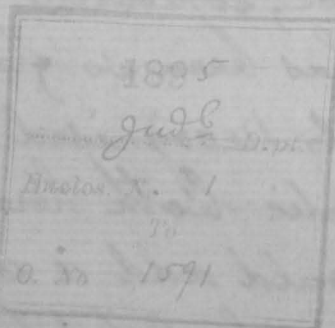
8. The Council will not however here further dwell upon this subject of the importance of maintaining entirely independent and strong superior Courts of Justice, especially in the Presidency Towns, as it has been so frequently urged and is so thoroughly recognised and insisted upon by the public both here and in England; but they would add a word in respect of the proposals calculated to increase

the burden on litigants in the way of Court fees. They trust that no such increase will be allowed, the undue profits arising from the administration of justice in India have already been represented as a grievance of the Public and this Council trust that should changes be made in the scale of fees they will be proposed with the object of reducing and not enhancing the costs of suitors.

9. The Council for the reasons above given feel bound to support the protests of the Chamber of Commerce and of the Trades Association at Madras.

10. A copy of this letter has been forwarded to the Government of Madras.

I have the honor to be,
Sir,
Your most obedient servant
W. B. Wadell
Secretary



CURRENT No 1591

European & Anglo-Indian Defence Association,

SECRETARY'S OFFICE,

10/1, P. OLD COURT HOUSE STREET,

The 26th March 1895.

No 541.

To, The Chief Secretary to the Government of Madras.

Sir, I am directed by the Council of this Association to send you herewith copy of a letter No 540 dated this day, which the Council have addressed to the Government of India on the subject of certain changes which the Council understand there is some intention of bringing about in the original jurisdiction of the Madras High Court.

I have the honor to be,

Sir
Your most obedient servant
W. B. Wadell
Secretary

ORD

LETTER

STATE

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189

READ AGAIN G.O., No.
 189

DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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1895
 July 1
 Enclos. No. 1
 1071