

1. DATE OF ISSUE 22.11.37
2. DATE OF RECEIPT 23.11.37
H.R.O. 1-82 400-22-11-37

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	81	Press
		<u>Mis.</u>
Dated	23	18 78.

Not to be folded or roughly handled

Powers & Attorney

*Proceedings of the Madras Government, Judicial Department,
23rd January 1872.*

No. 68. Read the following letter from the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort St. George, dated Madras, 30th November 1871, No. 1898:—

I am directed to acknowledge the receipt of your letter to the Chief Justice, No. 1073, Judicial Department, dated 10th August 1871, requesting the opinion of the High Court as to the expediency or otherwise of exempting Vakalatnamahs filed in criminal cases from the operation of the Order of Government, dated 3rd June 1871, No. 743.

2. In reply, I am to state that the Chief Justice and Judges are not aware of any legislative enactment authorizing the imposition of fees on the attestation of Powers of Attorney by Magistrates and Judges, and that, in the absence of such enactment, they are inclined to think that the imposition is illegal.

No. 69. ORDER THEREON, 23rd January 1872, No. 81.

The Government resolve to exempt from the operation of their Order, under date the 3rd June 1871, No. 743, all Powers of Attorney or Vakalatnamahs intended to be filed in criminal cases.

2. With reference to paragraph 2 of the foregoing letter, it is observed that the Government of India have recorded their opinion* that, although the law does not require any Magistrate or Judge to attest Powers of Attorney and such like documents (nor does it, except in the cases mentioned in Act II. of 1855, Section 49, and Act XX. of 1865, Section 35, attach any peculiar efficacy to attestations made by these officers), still, "if such attestations are desired, there can be no objection to their being made, or to the levy, under executive orders, of a fee for the service performed."

3. Under this opinion, therefore, the Government direct that their Order above referred to shall continue to be enforced in respect of all Powers of Attorney, excepting those intended to be filed in civil and criminal cases.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

To the Honourable the Judges of the High Court.
„ all Civil and Session Judges.
„ all Magistrates.
„ the Board of Revenue.
„ the Revenue Department.
„ the Accountant-General.

Exd. J. H. Burns.

N: 1898.

From

H. Wigram, Esquire,
Acting Registrar of the High Court
of Judicature at Madras.

~~At the Court of the High Court, 13th~~

Chief Secretary to Government
Honorable Sir,

I am directed to acknow-
ledge the receipt of your letter to
the Chief Justice, N: 1073, Judicial
Department, dated 10th August
1871, requesting the opinion of the
High Court as to the expediency
or otherwise of exempting Vakka-
sutnamas filed in Criminal
Cases from the operation of the
order of Government dated 3rd
June 1871, N: 713.

In reply I am to state
that the Chief Justice and Judges
are not aware of any legislative
enactment authorizing the imposi-

Obbt. of 1872 30th Dec.

JUDICIAL.

To

THE HONORABLE THE ATTORNEYS

OF THE HIGH COURT,

Ad.

Ad.

Ad.

Dated January, 23rd.

Recd.

Recd.

JANUARY.
Nos. 63-69.

Directing that the G. O. dated 5th June 1871,
No. 742, shall continue to be entered in respect
of all Powers of Attorney, excepting those intend-
ed to be filed in civil and criminal cases.

of fees on the attestation of Powers
of Attorney by Magistrates and
Judges, and that in the absence
of such enactment they are in:

and is illegal.

High Court of Judicature, Madras, } I have the honor to be,
2: November 1871. } Honorable Sir,
Your most obedient servant

Thos. J. J. J.

Acting Magistrate,
Appellate Side.

attach any peculiar efficacy to
attestations made by these officers,
and ~~consequently~~ still, if such attes-
tations are desired, there can
be no objection to their being made,
as to the levy, under executive
orders, of a fee for the services
performed."

3. Upon this opinion, therefore, the
Court directed that their Order above
referred to shall continue to be en-
forced in respect of all Powers of
Attorney excepting those included
to be filed in Civil and Crimi-

-nal Cases.

Be from the Surveys of the High Court dated 23rd Sept 1871
all Civil & Criminal Judgments & Orders 1871
are hereby ordered to be filed in the High Court of Madras
as per the order of the High Court dated 23rd Sept 1871

June 1891 Dye

No.

From
The Acting Registrar
High Court of Madras
at Madras
To the Chief Justice
Government

Dated 30th November 1898.
Received 1 Decr.

No 2293. No 1898.

Having that the
Chief Justice and I
are inclined to the
view that the proposed
affairs on the other
side of River of a
very large quantity
and for a long time
in the future.

With Sir

5-6-9

23rd August 1912 No 2

The Court resolve to exempt from
the operation of the Order made
dated the 3rd June 1911, No 743

Power of Attorney for Criminal
or Malicious Prosecution intended
to be filed in Criminal cases

2. With reference to the
the foregoing letter, it is to be

that the Court of Madras has
received their opinion that

although the law does not
any magistrate or Judge
that power of Attorney and
like documents, nor except
cases in which the law is not