

(1) Number of pages 26

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1000	Press ~~Mis.~~
Dated	27 6 -	1873 .

Not to be folded or roughly handled

JUDICIAL DEPARTMENT.

No. 1000.

FROM THE HON. W. HUDLESTON,
Chief Secretary to the Government of Fort St. George,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,
With reference to your Under-Secretary's letter, dated the 10th April 1873, No. 684, and its enclosure, I am directed to transmit, for the approval of the Governor-General in Council, Revised Rules under Sections 20, 22, and 23 of Act VII. of 1870 (Court Fees' Act) submitted by the High Court and the Board of Revenue, respectively.

I have the honour to be,
Sir,
Your most obedient servant,

OOTACAMUND,
27th June 1873.

Chief Secretary.

Rules made by the High Court of Judicature at Madras pursuant to the Court Fees' Act, Section 20, confirmed by the Governor of Fort St. George in Council and sanctioned by the Governor-General in Council.

1. On and after all payments for the service of processes issued by the High Court in its ordinary appellate jurisdiction, and by the Civil and Revenue Courts subordinate to the High Court, and by Criminal Courts, in the case of offences other than offences for which the Police may arrest without warrant, shall be collected according to the rates fixed in the annexed Schedules A and B.

2. In addition to the fees payable under Schedules A and B, where ferry charges have to be incurred, or where special expedition is required in the service of any process, the party at whose instance the process is issued shall pay a further fee equivalent to the actual cost of the ferry charge, or the actual cost of travelling by rail, boat, cart, &c., as the case may be.

3. Where any process has to be served in another district than that in which it is issued, no extra charge shall be made for postage.

4. When an Amin is employed as process-server in the Court of a District Munsif, or in a Revenue Court subordinate to that of a Collector, his salary shall be

12 Rupees per mensem. In every other Court his salary shall be 14 Rupees per mensem. Provided that in exceptional cases, and with the previous sanction of the High Court, batta may be given in addition to the salary so fixed.

5. When a Peon is employed as process-server in the Court of a District Munsif, or in any Revenue Court subordinate to that of a Collector, or in any Criminal Court, his salary shall be 6 Rupees per mensem. In every other Court his salary shall be 7 Rupees per mensem. Provided that in exceptional cases, and with the previous sanction of the High Court, batta may be given in addition to the salary so fixed.

6. The receipts on account of processes must be sufficient to defray the cost of the Process-Service Establishments and the postage on account of correspondence relating to processes.

Rules made by the High Court of Judicature at Madras in exercise of the power conferred by the Court Fees' Act, Section 22, approved by the Governor of Fort St. George in Council and the Governor-General in Council.

1. The establishment of each Court must suffice for the service and execution of all processes transmitted from other Courts as well as of processes issued from the Court to which the establishment belongs.

2. A separate establishment for the service of criminal processes shall only be entertained in the Courts of the Magistrates of the second and third classes. All processes issued by Magistrates of the first class shall be transmitted to the Magistrate of the second or third class within whose jurisdiction they are to be served.

3. No separate establishment shall be entertained in the Courts of the Village Munsifs, but processes issued by Village Munsifs shall ordinarily be served or executed by the Village Peon or Taliar. Processes issued by District Munsifs in execution of the decrees of Village Munsifs shall be served or executed by the Peons of the District Munsif's Court.

4. Subject to the above rules, the District Judge shall fix the number of process-servers necessary to be employed for the service and execution of civil processes issued by his Court and the Courts subordinate thereto, and the Magistrate of the District shall fix the number of peons necessary to be employed for the service and execution of criminal processes issued by his Court and the Courts subordinate thereto.

5. In the case of Civil Courts, the number of process-servers at first fixed shall not, without the previous sanction of the High Court, exceed the number employed on 31st March 1873, nor shall the total cost of the establishment exceed the average disbursements made on account of processes for the three years ending 31st March 1873.

6. In the case of Criminal Courts, the number of peons at first fixed shall not, without the previous sanction of the High Court, exceed the rate of one peon for every 300 processes that have been annually served or executed by the Police on the average of the three years ending 31st March 1873 in cases other than those in which the Police are authorized to arrest without warrant.

7. The establishments fixed shall be reported to the High Court for sanction. No increase shall afterwards be made without the sanction of the High Court, but transfers may be made from one Court to another at the discretion of the District

Judge or Magistrate of the District, and permanent reductions when feasible should be made and reported to the High Court.

SCHEDULE A.—(CIVIL AND REVENUE COURTS.)

No.		In a District Munsif's or subordinate Revenue Court.	In every other Civil or Revenue Court.
		RS. A. P.	RS. A. P.
1	Summons or Notice to Defendant or Respondent And for every additional Defendant or Respondent if applied for at the same time, and if Defendant resides in the same neighbourhood	0 8 0 0 4 0	1 0 0 0 8 0
2	Summons to a witness And for every additional witness if applied for at the same time, and if witness resides in the same neighbourhood	0 8 0 0 4 0	1 0 0 0 8 0
3	Warrant of arrest	1 0 0	2 0 0
4	Proclamation of attachment or the process for sale	0 8 0	1 0 0
5	Warrant of attachment of moveable or immoveable property according to the value of the suit, if applied for before judgment, or the amount decreed if applied for in execution of decree— If the value or amount does not exceed 50 Rupees Exceeds 50 Rs., but does not exceed 100 " " 100 " " 500 " " 500 " " 1,000 " " 1,000 " " 5,000 " " 5,000 " " 10,000 " " 10,000 " "	0 8 0 1 0 0 2 0 0 3 0 0	2 0 0 3 0 0 4 0 0 5 0 0 6 0 0 7 0 0
6	Warrant of delivery of possession of property (moveable or immoveable)— If no attachment has taken place. If attachment has taken place— For moveable property For immoveable property	The fee for attachment of said property. 0 8 0 1 0 0	1 0 0 2 0 0
7	Warrant of sale of moveable property— If conducted at the Court-house If not conducted at the Court-house	0 4 0 0 8 0	0 8 0 1 0 0
8	Warrant of sale of immoveable property— If conducted at the Court-house If not conducted at the Court-house	0 8 0 1 0 0	1 0 0 2 0 0
9	Injunction, Order, or Notice not otherwise provided for	0 8 0	1 0 0
10	Any process in execution of a decree of a Village Munsif	0 4 0	

- N.B.—*(1.) If a process is to be served or executed within a radius of six miles from the Court-house, half the above rates only are to be charged. The Judge of every Court shall determine what villages are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court-house.
- (2.) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places), double rates are to be charged.
- (3.) When a warrant remains unexecuted for fifteen days after its delivery to the officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the warrant was issued for every fifteen days or portion of fifteen days until return is made, provided that the delay in executing the said warrant is not attributable to the Officer of the Court.
- (4.) If the processes for attachment and sale are issued simultaneously, the proper fee for the former process only is to be charged.
- (5.) Under Section 8, Act XXIII. of 1861, the lowest rate for serving a process shall be deemed to be as heretofore 4 Annas per diem. A week's batta is to be deposited in advance and renewed at like intervals.

SCHEDULE B.—(CRIMINAL COURTS.)

	RS.	A.	P.
1. Summons to Defendant... ..	0	8	0
And for every additional Defendant if applied for at the same time, and if resident in the same neighbourhood	0	4	0
2. Summons to a witness	0	8	0
And for every additional witness if applied for at the same time, and if witness resides in the same neighbourhood	0	4	0
3. Warrant of arrest	0	12	0
4. Notice, Order, Injunction, or Warrant not otherwise provided for.	0	8	0

- N.B.*—(1.) If a process is to be served or executed within a radius of six miles from the Court-house, half the above rates only are to be charged. The Judge of every Court shall determine what villages are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court-house.
- (2.) When a warrant remains unexecuted for fifteen days after its delivery to the officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the warrant was issued for every fifteen days or portion of fifteen days until return is made, provided that the delay in executing the said warrant is not attributable to the Officer of the Court.

Rule framed by the Board of Revenue in exercise of the power conferred by the Court Fees' Act, Section 23, and approved by the Governor of Fort St. George in Council and the Governor-General in Council.

The number of process-servers fixed by the District Collector for his own office and the offices subordinate to him shall be so fixed that the cost of the establishment may be at least covered by the amount of fees levied on the processes served and executed by them. It shall be reported to the Board of Revenue in the first instance for confirmation, and shall be altered from time to time as they may direct, and it shall not be increased without their sanction; but the Collector shall have power to transfer process-servers from one office to another within his jurisdiction as experience may dictate, and, when convenience requires that processes issued by one officer shall be served by the process-servers attached to another, they may be served accordingly.

June 1873 Dept.

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From Government of
Fort St. George.

Dated 27th June 1873. No.
E. Enclosures
Spare copies

D. No. D.
Proc. No.
L. No. 1000.

Transmitting, for approval, the Revised Rules under Sections 20, 22, and 23 of the Court Fees Act (VII. of 1870) submitted by the High Court and the Board of Revenue, respectively.

2 12
Rules made by the
High Court of Judicature at
Madras pursuant to the Court
Fees Act, Section 20, confirmed
by the Governor of Fort St. George
in Council and sanctioned by
the Governor General in Council.

1. On and after
all payments for the service of
processes issued by the High
Court in its ordinary appellate
jurisdiction and by the Civil
and Revenue Courts subordinate
to the High Court and by Crimi-
nal Courts in the case of of-
fences other than offences for
which the Police may arrest
without warrant shall be col-
lected according to the rates
fixed in the annexed Schedules

A and B.

2. In addition to the fees payable under Schedules A and B, where ferry charges have to be incurred on either special or ordinary occasions, in the services of any persons, the party at whose instance the process is issued shall pay a further fee equivalent to the actual cost of the ferry charges or the actual cost of travelling by rail, boat, cart, &c., as the case may be.

3. Where any process has to be served in another district than that in which it is issued, no extra charge shall be made for postage.

4. Where any person is employed as process server in the District of ...

3 92
Munsif or in a Revenue Court subordinate to that of a Collector his salary shall be 12 Rupees per mensem. In every other Court his salary shall be 11 Rupees per mensem. Provided that in exceptional cases and with the previous sanction of the High Court, both may be given in addition to the salary so fixed.

5. When a person is employed as process server in the Court of a District Munsif or in any Revenue Court subordinate to that of a Collector or in any Criminal Court, his salary shall be 6 Rupees per mensem. In every other Court his salary shall be 7 Rupees per mensem. Provided that in exceptional cases and with the

previous sanction of the High Court
batta may be given in addition to
the salary so fixed.

6. The receipts on account
of processes must be sufficient to
defray the cost of the process service
establishments and the postage
on account of correspondence re-
lating to processes.

Rules made by the
High Court of Judicature at
Madras in exercise of the power
conferred by the Court Fees Act,
Section 22, approved by the Governor
of Fort St. George in Council
and the Governors General in
Council.

1. The establishment of
each Court must suffice for the
service and execution of all

2/ processes transmitted from other
Courts, as well, as of processes
issued from the Court to which
the establishment belongs.

2. A separate establish-
ment for the service of Criminal
processes shall only be
entertained in the Courts of the
Magistrates of the second and
third classes. All processes
issued by Magistrates of the
first class shall be transmitted
to the Magistrate of the second
or third class within whose
jurisdiction they are to be served.

3. No separate establish-
ment shall be entertained in
the Courts of the Village Munsifs
but processes issued by
Village Munsifs shall ordina-
rily be served or executed by the
Village Peon or Talian. Processes

issued by District Magistrate in
execution of the decrees of Village
Magistrate shall be served or executed
by the Peons of the District Magis-
trate's Court.

4. Subject to the above
rules the District Judge shall fix
the number of process-servers as
necessary to be employed for the
services and execution of civil
processes issued by his Court and
the Courts subordinate thereto,
and the Magistrates of the Dis-
trict shall fix the number of
Peons necessary to be employed
for the services and execution
of Criminal processes issued
by his Court and the Courts
subordinate thereto.

5. In the case of civil
Courts the number of pro-
cess-servers at first fixed

5 132
shall not without the previous
sanction of the High Court ex-
ceed the number employed
on 31st March 1873. nor shall
the total cost of the establish-
ment exceed the average dis-
bursements made on account
of processes for the three years
ending 31st March 1873.

6. In the case of Crimi-
nal Courts the number of
Peons at first fixed shall
not without the previous
sanction of the High Court
exceed the rate of one Peon
for every 300 processes that
have been annually served
or executed by the Police on
the average of the three years
ending 31st March 1873 in
cases other than those in

in which the Police are authorized to arrest without warrant.

7. The establishments fixed shall be reported to the High Court for sanction. No increase shall afterwards be made without the sanction of the High Court but transfers may be made from one Court to another at the discretion of the District Judge or Magistrate of the District and permanent reductions when feasible should be made and reported to the High Court.

Schedule A. (Civil and Revenue Courts)

	In a District Court.	In every Munsif or other Civil Subordinate Court.	In every Revenue Court.
	Rs.	R. P.	Rs. P. P.
1. Summons or Notice to Defendant or Respondent. And for every additional defendant or respondent if applied for at the same time, and if defendant resides in the same neighbourhood _____	8	1	8
2. Summons to a witness. And for every additional witness, if applied for at the same time & if witness resides in the same neighbourhood _____	8	1	8
3. Warrant of arrest _____	1	2	1
4. Proclamation of attachment or the process for sale _____	8	1	1
5. Warrant of attachment of moveable or immovable property according to the value of the suit, if applied for before judgment; or the amount decreed if applied for in execution of decree.			
If the value or amount does not exceed 50 Rs. _____	8		
Exceeds 50 Rs. but does not exceed 100 Rs. _____	1	2	
" 100 " " 500 _____	2	3	
" 500 " " 1000 _____	3	4	
" 1000 " " 5000 _____		5	
" 5000 " " 10000 _____		6	
" 10000 " " _____		7	
6. Warrant of delivery of possession of property (moveable or immovable) if the attachment has taken place. The fee for attachment of the said property _____			

1	If attachment has taken place - Rs. 50 Rs. 100		
2	For movable property	8	1
3	For immovable property	1	2
4	Warrant of Sale of movable property		
5	If conducted at the Court house	4	8
6	If not conducted at the Court house	8	1
7	Warrant of Sale of immovable property		
8	If conducted at the Court house	8	1
9	If not conducted at the Court house	1	2
10	Injunction, order, or notice not otherwise provided for	8	1
11	Apparatus in execution of a decree of a Village - Municipality	1	

N.B. (1) If a process is to be served or executed within a radius of 6 miles from the Court house, half the above rates only are to be charged. The Judge of every Court shall determine what villages are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court house.

(2) When it is found necessary to

employ more than one Amin or Peon (as for instance where property is situated in different places) double rates are to be charged.

(3). When a warrant remains unexecuted for fifteen days after its delivery to the Officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the warrant was issued for every fifteen days or portion of fifteen days until return is made, provided that the delay in executing the said warrant is not attributable to the officers of the Court.

(4). If the processes for attachment and sale are issued

1. simultaneously the proper fee
for the former process only is
to be charged.
(5) Under Section 8, Act 23
of 1861, the lawful rate for
serving a process shall be in-
deemed to be as heretofore 1/-
annus per diem. A week's
batta is to be deposited in
advance and renewed at like
intervals.

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Schedule B. (Criminal Courts).

- | | Rs | As | P. |
|---|----|----|----|
| 1. Summons to Defendant — | 8 | | |
| And for every additional Defendant if applied for at the same time and if resident in the same neighbourhood — | | | |
| 2. Summons to a Witness — | 8 | | |
| And for every additional Witness if applied for at the same time and if witness resides in the same neighbourhood — | | | |
| 3. Warrant of arrest — | 12 | | |
| 4. Notice, order, injunction, or warrant, not otherwise provided for. — | 8 | | |

N.B. (I)

If a process is to be served or executed within a radius of 6 miles from the Court house, half the above rates only are to

be charged. The Judge of every Court shall determine what villages are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court-house..

(2). When a warrant remains unexecuted for fifteen days after its delivery to the officers entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the warrant was issued for every fifteen days or portion of fifteen days until return is made, provided that the delay in executing the said warrant is not attributable to the officers of the Court..

Dudigam

Registrar
Maddur Taluk

He first 11/30/73.

Enclosed -
A letter from the
Registrar of the
High Court of Judica-
ture at Madras dated
23 May 1873, No. 997-

Rule framed by the Board of Revenue in exercise of the power conferred by the Court
Fees' Act, Section 23, and approved by the ~~Local Government~~ and the Governor-
General in Council.

Process-
servers

Process-
servers

Process-
servers

The number of ~~Amins~~ and ~~Peons~~ fixed by the District Collector for his own office and the
offices subordinate to him shall be so fixed that the cost of the establishment may be at least
covered by the amount of fees levied on the processes served and executed by them. It shall be
reported to the Board of Revenue in the first instance for confirmation, and shall be altered from
time to time as they may direct, and it shall not be increased without their sanction; but the
Collector shall have power to transfer ~~Amins or Peons~~ from one office to another within his juris-
diction as experience may dictate, and, when convenience requires that processes issued by one
officer shall be served by the ~~Amins or Peons~~ attached to another, they may be served accordingly.

Revenue
of the
Court in
Council

25
2
No. 976.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th June 1873.
Read the following Proceedings of the Madras Government, dated 1st May 1873,

No. 683, Judicial Department:—

ABSTRACT.—Communicating a letter from the Government of India with a view to the revision of the Rules framed under the Court Fees' Act with reference to the observations thereon contained in the Office Memorandum from the Legislative Department of the Government of India.

WITH reference to paragraph 11 of the Office Memorandum from the Legislative Secretary to the Government of India, dated 7th March 1873, No. 159, the heading therein set down is prefixed to the Rule made by the Board of Revenue and printed in paragraph 1 of their Proceedings, dated 16th January 1873, No. 61. The Rule thus headed will be circulated to all Collectors in continuation of Proceedings (Board of Revenue), dated 6th May 1873, No. 722.

(A true Extract.)

H. Goodrich
Acting Sub-Secretary.

To all Collectors, with G. O., dated 1st May 1873,
No. 683, Judicial Department, and Rule.
Copy to the Acting Secretary to Government, Revenue Department.

Ed. A. S. Rodgers.

N^o 997.

1272

From

N. Wignam, Esquire.

Registrar of the
High Court of Judicature
at Madras.

To

The Honorable W. Hudson,
Chief Secretary to
Government.

Honorable Sir,

I am directed to acknowledge receipt of your letter to the Acting Chief Justice dated 1st May forwarding ^{Proceedings} of Government of the same date, N^o 683, Judicial Department, and permitting for perision with reference to the observations contained in the Memorandum from the Legislative Department

Received 15 June 1873.

1873.

Board of Revenue,
MADRAS.

PROCEEDINGS, 10th JUNE 1873, No. 976.

15 June 1873.

Encl. 1

Received 15 June 1873.

JUNE.

No. 976

Court Fees Act (VII. of 1870).—Rule made by Board under Section 23 of—headed as suggested by Secretary to Government of India, Legislative Department, and circulated to Collectors.

of the Government of India,
the Rules framed by the High
Court under Sections 20 and 22
of Act VII. of 1870.

In reply I am di-
rected to return the Rules
unamended. The date of their
introduction has been left
blank.

High Court of Madras } I have the honor to be,
Judicature, Madras } Honorable Sir,
23rd May, 1873. } Your most obed^t serv^t,

T. J. G. S. S.
Registrar,
Appellate Side.

No. 10005

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

Sir,

With reference to
your Under Secretary's
letter dated the 10th
April 1873, N^o 684, and
its enclosure, I am
directed to transmit,
for the approval of the
Governor General in
Council, revised rules
under sections 20, 22
and 23 of Act III of
1870. (Court Fees Act)
submitted by the
Mag

Judicial 1873 Dept. No.

From
The Registrar of the
High Court of Justice
at Madras.

To
The Chief Secretary
to Government.

Dated 23rd May 1873.
No 1138

N^o 997.

With one enclosure.

Returning, annexed,
the Rules framed by
the High Court under
Sections 20 and 22 of
Act III of 1870.

12/117

High Court and Board
of Revenue respectively.

L.B.

{ Obacumund
27 June 1873

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Etihadment.

No.

To
The Secretary to the
Government of
Department.

Dated 187 .

St. Paul, 24th Sept^r 1873 42116-117

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1873. Dept.

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on Government of

Fort St. George.

tel. line 27.

1873.

No.

, Enclosures.

spare copies.

No.

Progs.

D.

No. 1000.

No.

Nos. 117. 118.

In approval

remitting the revised rules and
regulations 21, 22 & 23 of Fort St. George
at (117 & 118) submitted by
the High Court & the B.
or Rev. Pres, respectively.

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