

(1) Number of pages 6
(2) Date of repair 12. 10. 1884
(3) Initials of the Referencer CJ

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	256	Press Mis.
Dated	29 . 1 .	1884 .

Not to be folded or roughly handled

G.O.Ms no. 3626 Home II-20-10-61

29TH JANUARY 1884. J. 256, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From A. MACKENZIE, Esq., Secretary to the Government of India, Home department (Judicial), to the Chief Secretary to Government, dated Calcutta, 14th January 1884, No. 53.

I am directed to acknowledge the receipt of your letter, No. 3019, dated the 17th November last, submitting for sanction a set of draft rules purporting to be drawn up by the High Court at Madras under section 20 of the Court Fees Act, No. VII of 1870, for the service and execution of processes issued by the Civil Courts outside the Presidency town.

2. In reply, I am to observe that the proposed rules obviously deal with some matters falling beyond the scope both of section 20 and of section 22 of the Court Fees Act. They also seem to require consideration in certain respects from a financial point of view. The Governor-General in Council, therefore, sanctions them subject to the submission in a separate form of such portions of the rules as strictly require by law the sanction of His Excellency in Council, and also subject to the submission of a report showing the financial effect which the central Nazarat scheme provided for in the rules will have upon the existing establishment of nazirs in the Madras Presidency. The points on which specific information is required from a financial point of view are (1) the amount of additional expenditure, if any, which the scheme in question is likely to cause; and (2) whether the scheme in its application will involve the grant of compensation pensions or create other charges of a similar nature.

3. I am further to point out that the provision in rule III, which lays down that the charges on account of the pay of the establishments mentioned in that rule shall be debited to the "Process Service fund" is open to objection, if the intention be to recognise such a fund in the public account. Process Service funds have long ago been abolished, and the policy of the Government is altogether opposed to the constitution or maintenance of such separate funds. The proper course is to credit the sums realized on account of process fees to the public revenues, and to debit the charges on account of the process service establishments in the same way. There is of course no objection to keeping a record of receipts and charges in connection with process serving, provided this is entirely outside the financial accounts.

ORDER—dated 29th January 1884, No. 256, Judicial.

Communicated to the Honorable the Judges of the High Court who will be requested to furnish the information required by the Government of India.

2. The rules will in the mean time be published in the *Fort St. George Gazette*.
(True Extract.)

Chief Secretary.

To the Honorable the Judges, with C.L.
" Revenue department.

Exd. J. Wright.

26-4-06.
 9-9-07
 10-9-09
 4-4-10
 10-12-10
 23-5-12
 21-2-13
 25-1-15
 5-4-17
 31-7-19
 22-12-19

Presidential

Govt. of Madras.
 JUDICIAL.

Issued

Recd.

Encl.

G.O., 29th January 1884, No. 256.

JANUARY.

Court Fees Act—Rules.

Communicating to the High Court, letter from Government of India sanctioning draft rules for the service and execution of processes issued by the Civil Courts outside the Presidency town; and requesting the Honorable the Judges to furnish certain information in connection therewith.

No. 53

FROM

A. Mackenzie Esquire,

Secretary to the Govt. of India,

TO

The Secretary to the Government of Madras.

Calcutta, the 14th January 1884.

SIR,

I am directed to acknowledge the receipt of your letter No. 3019, dated the 17th November last, submitting for sanction a set of draft rules purporting to be drawn up by the High Court at Madras under section 20 of the Court Fees Act No. VII of 1870 for the service and execution of processes issued by the civil courts outside the Presidency town.

In reply I am to observe that the proposed rules obviously deal with some matters falling beyond the scope both of section 20 and of section 22 of the Court Fees Act. They also seem to require consideration in certain respects from a financial point of view. The Governor General in Council, therefore, sanctions them subject to the submission in a separate form of such portions of the rules as strictly require by law the sanction of His Excellency in Council, and also subject to the submission of

Home Department.

Judicial.

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- This

This is entirely outside the Financial accounts.

I have the honor to be

Yours

Your most obedient servant

Annurajin

Secretary to the Govt of India.

Ind. Co. 17-11-03:3018-19

Judicial (1901) Sept.

CURRENT No. 224

From Govt. of India.
Home Dep.
53.

50P
Order 29. Jan 14 No 256
Instruct. to the Hon.
the Judges of the H. C.
It will be requested
to furnish the info.
required by
the Govt. of India.

27/14
27/19 Jan 14

The rules with in
the meantime be put
checked in the H. C. for
Sagitta.

Draft rules under sec.
10 of the Court Fees Act for
the service & execution of
processes issued by the
Civil Courts outside the
Presidency towns.

23/1/14
The Hon. the Judges of
with C. } Despts 1/2
Res. 5/1/14
Gazette 12/2
The rules must be under
the Act published before they are
brought into force.

19/1
With order