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MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No.

5

Press

B.P. No.

Mis.

Dated

1. 2. 1872

195

Not to be folded or roughly handled

*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 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.)

Burns
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.

Ed. J. H. Burns.

10 copies

JUDICIAL.

THE HONOURABLE THE JUDGES
OF THE HIGH COURT.

26/1086

David January, 2nd.

Book. 316

G. O., 2nd January 1872, No. 81.

JANUARY.
Nos. 68-83.

Directing that the G. O., dated 2nd June 1872,
No. 743, shall continue to be enforced in respect
of all Powers of Attorney, excepting those intended
to be filed in civil and criminal cases.

85

Amended 1.8

10/10/72